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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.11.2026

PRONOUNCED ON : 11.11.2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 164 of 2022

CNR: {HCMA010198902020}

Case QR

R.Kumaresan,
S/o. Raja Gounder,
Rettipatti, Kurumampatti Village,
Edapadi Taluk, Salem District.

...Appellant/P.W.1/
De-facto complainant

Vs

1.State Rep by
Inspector of Police,
Edapadi Police Station, Salem District.

2.R.Venkatachalam,
S/o.Raja Gounder,

3.Palaniammal,
W/o.Raja Gounder,

Both 2 and 3 respondents are residing at
Rettipatti, Kurumampatti Village,
Edapadi Taluk, Salem District.

...Respondents

Prayer : Criminal Appeal filed under Section 372 of Criminal Procedure Code, praying to call for the records in connection with the Judgment dated 06.09.2019 made in S.C.No.324 of 2017 on the file of the learned Sessions Judge, Mahila Court, Salem and set aside the same.

For Appellant : Mr.C.Arun Kumar

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For Respondents : Ms.Sharada Vivek (for R1)
Additional Public Prosecutor

Mr.N.Manoharan (for R2 and R3)

JUDGMENT

This Criminal Appeal has been filed by the *de facto* complainant, challenging the acquittal of accused/respondents 2 and 3, vide judgment dated 06.09.2019 in S.C.No.324 of 2017 passed by the learned Sessions Judge, Mahila Court, Salem. For the sake of convenience, the parties are referred to as per the ranking before the trial Court.

2 (i) It is the case of the prosecution that the *de facto* complainant/PW1 [the father of the victim] was a lorry driver; that the 1st accused was known to PW1, as he was also a lorry driver; that the 2nd accused is the mother of the 1st accused; that the marriage between the 1st accused and the victim was solemnized on 07.09.2014; that the victim had consented to the marriage on condition that she should be permitted to continue her studies as she was pursuing her M.Sc degree; that after marriage, the accused suspected the character of the victim and did not even buy a cell phone for her use; and that both the accused had

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prevented the victim from attending college, refused to pay the college fees, abused her in various ways and asked her to do the domestic work, failing which, goaded her to 'go and die'; as a result of this, on 04.07.2015 at about 8.30 p.m., the victim committed suicide by hanging.

(ii) PW1, the father of the victim, had lodged a complaint [Ex.P.1] on 05.07.2015 and an FIR [Ex.P.12] was registered in Crime No.321 of 2015 under Section 174(3) Cr.P.C by PW13, the Sub-Inspector of Police in the 1st respondent police station. PW14, the Deputy Superintendent of Police, commenced the investigation, prepared the observation mahazar [Ex.P9] and the rough sketch [Ex.P13]. An inquest was also conducted by the Revenue Divisional Officer [PW11]. PW14 thereafter, handed over the investigation to PW15, since PW14 came to the conclusion that the suicide was not committed due to harassment on account of dowry demand. PW15, the Inspector of Police, after examining all the witnesses, obtained the report of the Revenue Divisional Officer [PW11] and the postmortem certificate and filed the final report on 23.03.2017 against the accused, for the offence under Section 306 IPC, before the learned Judicial Magistrate No.2, Sankagiri, which was taken on file as PRC No.22 of 2017.

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(iii) On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with. The case was committed to the Court of Sessions and was made over to the learned Sessions Judge, Mahila Court, Salem, for trial, which was taken on file as S.C.No.324 of 2017. The trial Court framed the charge under Section 306 IPC as against the accused and when questioned, the accused pleaded 'not guilty'.

(iv) To prove its case, the prosecution had examined 15 witnesses as P.W.1 to P.W.15 and marked 16 exhibits as Ex.P1 to Ex.P16, besides 1 material object, viz., M.O.1. When the accused were questioned, u/s.313 Cr.P.C. on the incriminating circumstances appearing against them, they denied the same. The accused neither examined any witness nor marked any document on their side.

(v) The trial Court found that the prosecution had not established that there was cruelty in connection with the dowry demand; that the

prosecution had also not established that the accused were guilty of cruelty of any other kind which had driven the woman to commit suicide

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and that therefore, the offence under Section 306 IPC was not made out; and hence, acquitted both the accused. Aggrieved by the acquittal, the *de facto* complainant has preferred the instant appeal.

3. Mr.C.Arun Kumar, the learned counsel for the appellant/*de facto* complainant would submit that the impugned judgment suffers from perversity; that though the victim committed suicide within seven years of her marriage, the trial Court had not drawn the presumption under Section 113-A of the Indian Evidence Act, 1872, which is mandatory; that the evidence of the witnesses, P.W.1 to P.W.4, would clearly reveal that the victim was subjected to cruelty soon after the marriage and before her death, as they refused to pay her college fees and also made her to do domestic work; that P.W.1 and P.W.3, the parents of the victim have clarified as to why they had not made any allegation in the complaint; that the trial Court had not taken into account the said explanation; that the sister of the deceased [P.W.4] had narrated the cruelty committed to the deceased, including the fact that she was assaulted on a particular day, when she wanted to go to college against the wishes of the accused; that the accused had made a false statement to the Doctor [PW9], stating that the victim had an accidental fall in the bathroom; that the accused,

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therefore, had suppressed the events that took place immediately before the occurrence; that the accused had not discharged their burden in terms of Section 106 of the Evidence Act, and relied upon the Judgment of the Hon'ble Supreme Court in ***Ramkishan Digambar Jadhav Vs. The State of Maharashtra*** **[2026 INSC 1187]**, in support of his submission and prayed for setting aside the judgment of acquittal and for the conviction of the accused/respondents 2 and 3.

4(i). Mr.N.Manoharan, the learned counsel for the accused/respondents 2 and 3, *per contra*, would submit that the cross-examination of all the witnesses would reveal that the allegation of cruelty and that the accused refused to pay the college fees to the victim is an afterthought; that in the complaint, the father of the victim had stated that there was no cruelty committed to the victim; that the investigating officer admitted in his deposition that none of the witnesses, had given the reasons, as to why they had changed their stand subsequently; that the statement of P.W.2, friend of the victim, before the Revenue Divisional Officer would show that she had not stated about the alleged cruelty to the deceased; that the investigating officer had admitted that the college authorities were not examined, during the investigation to

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ascertain whether the allegation was true; that the evidence discloses that the victim was going to college till she committed suicide; that in the absence of any evidence to infer the requisite *mens rea* to constitute abetment, the offence of Section 306 of the IPC would not be made out; and that the evidence at best suggest that the victim was hypersensitive to petty quarrels in a family, and relied upon the Judgment of the Hon'ble Supreme Court in ***Gurcharan Singh Vs. State of Punjab*** reported in ***2017 (1) SCC 433***, and the Judgments of this Court in ***Ayyappan Vs. State*** reported in ***2016 (4) MLJ (Cri) 460*** and ***Jambu Vs. State*** reported in ***2022 (2) MLJ (Cri) 176,*** in support of his submissions.

(ii)The learned counsel also submitted that the trial Court had elaborately considered the evidence on record; that the presumption of innocence has been confirmed by the trial Court; that the judgment is not perverse, warranting an interference in an appeal against acquittal; and hence, prayed for dismissal of the appeal.

5. Heard Ms.Sharada Vivek, learned Additional Public Prosecutor and perused the materials available on record.

6. As stated above, it is seen from the evidence that PW1 is the

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father of the victim; PW2 is the friend of the victim; PW3 is the mother of the victim; PW4 is the sister of the victim; PW5 is the brother of the victim; PW6 is the grandmother of the victim and is a hearsay witness; PW7 is related to the victim and had turned hostile; PW8, who is related to PW1 also turned hostile; PW9 is the doctor who first examined the deceased and made entries in the Accident Register [Ex.P2], and had also given intimation [Ex.P3] to Inspector of Police. PW10 is the doctor who had conducted the postmortem and had issued postmortem certificate [Ex.P4]. He had opined that the deceased died of asphyxia due to hanging; PW11 is the RDO, who conducted the inquest and gave her report [Ex.P8]. PW12 is the Village Administrative Officer, who had signed in the seizure mahazar [Ex.P10], and as a witness in the confession statement of the accused. PW13 is the Sub-Inspector of Police who registered the FIR. PW14 is the Deputy Superintendent of Police, who conducted a part of the investigation and handed over the investigation to PW15, the Inspector of Police, who, on completion of the investigation, filed the final report against the accused.

7. The relatives of the victim, PW1 to PW8, were examined to establish that the deceased was subjected to cruelty soon before her death.

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As stated earlier, PW7 and PW8 turned hostile. PW6, the grandmother of the victim is a hearsay witness and is of no avail to the prosecution. PW5 is the brother of the victim, who had stated that the deceased had complained to him about the ill-treatment meted out by her mother-in-law, the 2nd accused and that they prevented her from going to college. PW4's evidence also corroborates the evidence of PW5 as regards the complaint made by the deceased to them about the cruelty caused by the accused.

8. PW4, in fact, refers to two incidents of cruelty as told by the deceased to her, i.e., on one occasion the deceased had told her that the gas knob was open and someone had deliberately done it to cause leakage when she was at home and that the door was locked from outside. Thereafter, when she knocked on the door, her father-in-law opened the door. PW4 had stated that the deceased had told her that her mother-in-law/the 2nd accused would have kept the gas knob open. But there is no evidence to suggest that the 2nd accused in fact did so.

9. The second incident is that when the deceased came to her mother's house, she complained to PW4 [sister] and PW3 [mother] that

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the accused were refusing to pay the college fees and that PW3 consoled her and asked her to be patient stating that the accused would pay the fees. PW4 also would state that when the deceased was at the hospital, the 1st accused was seen crying, stating that he had caused the death of the deceased by beating her.

10. PW1, the father, would also state that the accused subjected the deceased to harassment since they suspected her character; that they had not properly fed her; and that they refused to pay her college fees and also prevented the victim from attending college. PW3's evidence also corroborates the evidence of PW1, PW4 and PW5.

11. Therefore, the question is whether the evidence of these witnesses and PW2, who was a friend of the deceased, was correctly appreciated by the trial Court while acquitting the respondents 2 and 3. In the earliest version, PW1, the complainant, had stated that the accused and the deceased were living happily; that they had not made any dowry demand; that they had permitted the deceased to study M.Sc., in a college; and that the deceased had never complained to him about either the accused or the father-in-law of the deceased, at any point in time.

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PW1 had admitted in the cross-examination of what he had stated in his complaint, namely that the accused had never demanded dowry and was taking care of the deceased properly. He would add that subsequently he came to know from his other daughter, who was examined as PW4, that the deceased was subjected to cruelty and therefore, he had sent another complaint to the Deputy Superintendent of Police, Coimbatore. However, the said complaint was not marked by the prosecution. In fact, the investigating officer, PW14, when questioned as to whether she asked the witnesses as to why they changed their stand subsequently, she would state that she did so and the witnesses did not give any explanation.

12. The RDO [PW11] in her report [Ex.P8] has observed that the deceased was not subjected to any cruelty in connection with the dowry demand. The witnesses, even in their deposition before the Court, have uniformly stated that the victim was not subjected to cruelty on account of dowry demand. Therefore, the question is whether the victim was subjected to cruelty of any other kind that had driven her to commit suicide.

13. The charge specifically states that the accused prevented the deceased from going to college, refused to pay her college fees and also

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did not purchase her a mobile phone, suspecting her character. The cross-examination of PW1 would reveal that the deceased died while she was pursuing her M.Sc. course. PW1 would state that the accused had paid the first term fees and that he was not aware as to when the next term fees was due to be paid. In fact, even according to him, when the deceased complained that the accused were refusing to pay the fees, he had consoled her by stating that the accused may not have had the money to pay the fees. PW14, the investigating officer, would admit that no investigation was conducted to ascertain whether the accused delayed the payment of the tuition fees. PW2, her best friend in college, would state in the cross-examination that the College would debar a student if fees is not paid on time and no such action was taken against the deceased. She would also add that the deceased never complained to her that the accused were refusing to pay the fees.

14. PW3, the mother, in her cross-examination, would admit that when the RDO questioned her, she stated that the accused were taking care of the deceased well, and she would add that since she was mourning the death of the deceased, she could not state the harassment caused to the deceased to the RDO. This statement, on the face of it, does not merit

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acceptance. She would also state in her cross-examination that her husband gave the complaint stating that the accused took care of the deceased well. She further stated that she had never questioned the accused at any point of time when the deceased complained to her about the accused.

15. PW4 as stated above, had stated about a few instances of cruelty said to have been committed. PW4 in the cross-examination would admit that the deceased had first informed about the harassment suffered by her only to one Sathya, who was very close to the deceased. However, the prosecution had not examined the said Sathya. PW4 would state that though she knew the harassment suffered by her sister, she had not informed her parents before. Her other allegations are very vague and not as against the accused. Thus, this Court is of the view that the alleged harassment caused by the accused by non-payment of college fees has not been proved by the prosecution. For reasons best known to the investigating officer, the college authorities were also not examined as could be seen from the answers in the cross-examination. The evidence also discloses that the victim was going to the college until she committed suicide.

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16. The trial Court had, therefore, taken into consideration all these aspects and had held that the accused were not guilty and accordingly, acquitted both the accused. The reasons stated by the trial Court are plausible and do not suffer from any perversity.

17. The other submission made by the learned counsel for the appellant is that the accused had misled the doctor [PW9] by stating that the deceased had fallen in the bathroom, which is false; that the accused had taken a stand that the witnesses had demanded money from them and they have taken false and contrary stands, and the same has to be considered as an additional circumstance in the case. It is also the case of the *de facto* complainant that the accused are bound to prove the facts exclusively within their knowledge as per Section 106 of the Indian Evidence Act.

18. It is neither the case of the *de facto* complainant nor the prosecution that the accused had caused the death of the deceased. Therefore, the statement made by the 1st accused to the doctor, even assuming that it is contrary to the facts, would be of hardly any

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consequence in a case where the investigation only revealed that the deceased committed suicide. The case relied upon by the learned counsel for the appellant/*de facto* complainant in ***Ramkishan Digambar Jadhav's case [supra]***, also would not be of any avail, since that was a case where the deceased was done to death by the accused, which is not so in this case.

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19. It is well settled that in order to constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. The relevant observation of the Hon'ble Supreme Court in ***Gurcharan Singh's case*** [supra], is extracted hereunder.

> "22. It is thus manifest that the offence punishable is one of abetment of the commission of suicide by any person, predicating existence of a live link or nexus between the two, abetment being the propelling causative factor. The basic ingredients of this provision are suicidal death and the abetment thereof. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Any severance or absence of any of this constituents would militate against this indictment. Remoteness of the culpable acts or omissions rooted in the intention of the accused to actualize the suicide would fall short as well of the offence of abetment essential to attract the punitive mandate of Section 306 IPC. Contiguity, continuity, culpability and complicity of the indictable acts or omission are the concomitant indices of abetment. Section 306 IPC, thus criminalises the sustained incitement for suicide.
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> .....
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> 29. Significantly, this Court underlined by referring to its earlier pronouncement in State of W.B. Vs. Orilal Jaiswal (1994) 1 SCC 73 that courts have to be extremely careful in assessing the facts and circumstances of each case to ascertain as to whether cruelty had been meted out to the victim and that the same had induced the person to end his/her life by committing suicide, with the caveat that if the victim committing suicide appears to be hypersensitive to ordinary petulance, discord and differences in domestic life, quite common to the society to which he or she belonged and such factors were not expected to induce a similarly circumstanced individual to resort to such step, the accused charged with abetment could not be held guilty. The above view was reiterated in Amalendu Pal @ Jhantu vs. State of West Bengal (2010) 1 SCC 707."

20. The evidence, in this case only at best reveal that the victim

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was hypersensitive to ordinary petulance, discord and differences in matrimonial life. There is no evidence to suggest that the accused had intended to commit abetment of suicide or had caused cruelty of such a nature, that the victim had no other option except to commit suicide. Therefore, this Court finds no infirmity whatsoever in the judgment of the trial Court.

21. In the result, the Criminal Appeal is dismissed. The acquittal of accused/respondents 2 and 3, vide judgment dated 06.09.2019 in S.C.No.324 of 2017 passed by the learned Sessions Judge, Mahila Court, Salem, is confirmed.

11.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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SUNDER MOHAN, J.

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To

1. The Sessions Judge,
Mahila Court, Salem.

2. The Inspector of Police,
Edapadi Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras.

Pre-delivery judgment in
CRL A No. 164 of 2022

11.11.2026

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