



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

CRL A No. 427 of 2022

Tamizhmani
S/o. Chinnathambi,
Keezh Edaiyalam, Tindivam Taluk,
Villupuram District.

..Appellant(s)

Vs

State Rep By
Deputy Superintendent Of Police,
Mailam Police Station,
Villupuram District.

..Respondent(s)

PRAYER – This Criminal Appeal is filed under Section 374 (2) of Cr.P.C. against the conviction and sentence passed in S.C. No.218 of 2016 in the judgment dated 23.03.2022 by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Villupuram.

For Appellant(s):

Mr.B.Raj Kumar Babu
for Mr.K.Subburam

For Respondent(s):

Mr.R.Kishore Kumar,
Government Advocate (Crl. Side)



J U D G M E N T

This Criminal Appeal is filed challenging the judgement dated 23.03.2022 made in S.C.No.218 of 2016 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Villupuram.

2. The Trial Court convicted the appellant for offences under Section 498A of IPC and sentenced him to three years Rigorous Imprisonment along with a fine of Rs.20,000/-, in default to undergo Simple Imprisonment for one month.

3. It is the case of the prosecution that the marriage between the accused Tamizhmani and the deceased Santhi Devi was performed on 22.04.2010. At the time of marriage the accused had demanded 25 sovereigns of gold jewels as dowry. However only five sovereigns of gold jewels along with materials and other ornaments were given at the time of marriage. Immediately after the marriage, the accused had stayed in the in-laws house itself. The accused had the habit of consuming alcohol and often would quarrel with his wife, deceased. The accused was doing tile laying work and he did not go to work regularly. On 19.01.2011, the accused left his wife in PW2's house and went to his village for his personal work.



4. He stayed back and the deceased continued to be in the place of her mother. The family members of the third accused viz., his father, mother and brother A1, A2 and A4 had visited the house of the deceased at Chennai and had invited her to come to village stating that the son has turned himself to be good. They had also threatened that if PW2 did not send the deceased to the matrimonial house along with five sovereigns of gold, they would in turn perform second marriage to the third accused. Thereafter, the sisters and mother of the deceased have brought the deceased to the village and left her in matrimonial house with the third accused on 29.05.2011 and left to their place at Chennai.

5. On the next day on 30.05.2011, at 6.00 p.m., P.W.2 received a message that her daughter Santhi Devi had died. Immediately P.W.2 along with her son and daughters rushed to the village. On finding that the deceased has died due to hanging and there were injuries in the body of the deceased, they lodged a complaint on 31.05.2011 in Ex.P1. P.W.11, Inspector of Police received the complaint and registered FIR, Ex.P9. The body was sent for post-mortem. Since the death happened within seven years from the date of marriage and it was under unnatural circumstances, the same was referred to P.W.10, the Revenue Divisional Officer. P.W.10, after conducting inquiry, furnished his report, Ex.P8, opining that the death could have been due to the demand of dowry.



6. P.W.9/Doctor conducted post-mortem and issued post-mortem report/ Ex.P3. P.W.11 prepared the rough sketch Ex.P10 and Observation Mahazar, Ex.P12. On receipt of the reports, final opinion of the Doctor/Ex.P4 and Viscera Report/ Ex.P5, P.W.11 altered the offences to Sections 498-A and 304-B of I.P.C. through Alteration Report in Ex.P11. P.W.14 completed the investigation and filed the Final Report before Judicial Magistrate – II, Thindivanam. Summons were issued and after complying with section 207 Cr.P.C, committed the case to the Principal District Judge, Villupuram, under Sec.209 Cr.P.C. Thereafter the case was made over to the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Villupuram.

7. On committal, the Trial Court took up the case and framed charges under Sections 498-A and 304-B of the I.P.C. When questioned, the accused pleaded not guilty and stood trial. The prosecution, to prove the charges, examined P.W.1 to P.W.14 and marked Exs.P1 to P14. On completion of the prosecution evidence, when the accused were questioned under Section 313 Cr.P.C about the incriminating materials, they denied the same. However, neither any witnesses were examined nor any materials were produced on the side of the accused. The Trial Court, on completion of the arguments and on analysing the materials available, concluded that the appellant/A3 is guilty and convicted him for the offence under Section 498-A of the I.P.C. However



acquitted the appellant for the charge under Section 304-B I.P.C and also acquitted A1, A2 and A4 from all the charges. The appellant was sentenced to undergo three years rigorous imprisonment along with a fine of Rs.20,000/-. Assailing the conviction and sentence imposed, the appellant had preferred the above appeal.

8. The learned counsel for the appellant argued that when the Court disbelieved the prosecution case in respect of the demand of dowry and also held that the charge of dowry death under Section 304-B is not proved, had erroneously convicted the appellant under Section 498-A of I.P.C only on the ground that the appellant committed cruelty against the deceased. The Trial Court had, by placing reliance on the injuries noted in the post-mortem report/ Ex.P3, had concluded that there has been harassment and thereby had convicted and imposed sentence for offences under Section 498-A of I.P.C. He further vehemently contended that for an offence under Section 498-A, cruelty or harassment should be in relation to the demand of dowry and not otherwise. When absolutely no witness has spoken about the demand of dowry and all that has been consistently said is that the appellant had a habit of consuming alcohol and raised quarrels, which would not attract the offences under Section 498A of the I.P.C. In support of his contentions, he relied on the judgment of the Hon'ble Supreme Court of India in *State of Andhra Pradesh Vs. M.Madhusudan Rao* reported in (2008) 15 SCC 582.



9. Per contra, the learned Government Advocate (Crl. Side) submitted that the R.D.O had conducted a detailed inquiry and submitted his report in Ex.P8, which *prima facie* finds that there is a possibility of the death having been occurred due to the demand of dowry. He further submitted that the evidence of Doctor /P.W.9 coupled with post-mortem certificate/ Ex.P3 explicitly makes it clear that there are several injuries found in the body of the deceased that has been caused within 48 hours prior to the time of the death and therefore, the injuries itself would make it clear that the deceased was subjected to harassment at the hands of the appellant, when admittedly the deceased was in the matrimonial house. When the Court found that from the materials available on record, offence under Section 304-B has not been established, still the Court had rightly based on the materials available, concluded that the deceased was subjected to harassment and convicted under Section 498-A, which is perfectly justified and needs no interference.

10. Heard the rival submissions and perused the materials available on record.

11. The marriage between the appellant/A3 and the deceased Santhi Devi was solemnised on 22.04.2010. Even as per the evidence of P.W.2 – mother of the deceased, immediately after the marriage, her daughter and the appellant



were living along with her in Chennai for nearly six months. Thereafter, the accused had left for his village and he stayed back in the village. It is alleged that A1, A2 and A4, father, mother and brother of A3, had visited PW2's house at Chennai and had threatened that if the deceased does not come to the village to the matrimonial house, they will conduct second marriage to the appellant. Incidentally, it is said that they demanded 20 sovereigns of gold. P.W.2 along with others had brought the deceased to the village of A3 on 29.05.2011 and they have left to Chennai. Immediately on the next day on 30.05.2011, they received a call at 6 pm stating that the deceased died due to hanging.

12. Even though all the accused were charged for offences under Section 498-A and 304-B of I.P.C, the Trial Court, based on the evidence available, concluded that it is not the case of dowry death attracting the provisions of 304B I.P.C. On coming to such a conclusion, the Trial Court had acquitted all the accused from the charge of dowry death. In the absence of any appeal on the side of the prosecution or victim, we need not proceed further in respect of offence under Section 304-B of I.P.C. The Trial Court further from the materials available on record, had come to a conclusion that there is no specific evidence showing the demand of dowry.

13. In the absence of any proof for demand of dowry, the Trial Court had acquitted A1, A2 and A4 from the charges under Section 498-A of I.P.C.



However, the Trial Court placing reliance on the evidences of Doctor /P.W.9 and postmortem report /Ex.P3, concluded that there were injuries found in the body of the deceased, which as per the medical opinion had been caused within a period of 48 hours prior to the time of death, had therefore concluded that the injuries were sufficient to presume that the deceased was subjected to harassment in the hands of the appellant. By holding so, the Trial Court convicted the appellant for offences under Section 498A of I.P.C and imposed the sentences as stated supra.

14. P.W.1, the brother of the deceased who had lodged the complaint, Ex.P1 had deposed that during the time of marriage, the third accused had demanded 25 sovereigns of gold, but they had given five sovereigns of gold and other materials as Sridhana at the time of marriage. P.W.1 further deposed that the appellant was residing with the deceased in their house at Chennai happily without any dispute. It is only stated that the appellant had the habit of consuming alcohol and does not go to work properly, which resulted in quarrel between the husband and the wife. He further stated that A1, A2 and A4 once visited the house of P.W.2 and they demanded jewels to take back the deceased to their matrimonial home, which fact he had no direct knowledge but was informed to him.



15. P.W.2, mother of the deceased, had deposed that even though during marriage, the demand for 20 sovereigns of gold was made, five sovereigns along with certain articles as Sridhana was only given. After the marriage, her daughter and son-in-law were residing with her at Chennai. For more than four months, they lived happily and P.W.2 has categorically deposed that the appellant had only left to village to attend to his personal work and stayed back. When they wanted to take back the deceased, only she had informed them that she will send her daughter later and that there has been no dispute between her daughter and son-in-law.

16. P.W.3 and P.W.4, sisters of the deceased had clearly deposed that after marriage, their sister and the appellant lived happily and they have not spoken anything about the demand of dowry.

17. P.W.5 who is the husband of P.W.3 had only deposed that appellant used to consume alcohol and quarrel, which fact was also informed by his wife P.W.3. P.W.6, Cousin of the deceased who had no direct knowledge, had only deposed that the appellant did not attend to work properly and that the deceased stayed back in P.W.2's house when the appellant went to his village. P.W.7, brother of the deceased, while deposing that the five sovereigns of gold was given at the time of marriage, had further stated that the appellant used to create



problem demanding gold. However, in the cross examination, he had stated that the appellant had quarrelled only after consuming alcohol.

WEB COPY

18. From the evidences let in, there is absolutely no material to show that there has been any demand of dowry by the appellant. P.W.10, R.D.O, in his report had only opined that the death of the deceased would have been due to demand of dowry.

19. At this juncture, it is useful to refer to Section 498-A of I.P.C. which reads as under:-

“498-A. Husband or relative of husband of a woman subjecting her to cruelty. – Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation – For the purposes of this section, ‘cruelty’ means -

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable



security or is on account of failure by her or any person related to her to meet such demand.”

WEB COPY

20. As per the above provision, whoever being the husband or relative of the husband of a woman, subjects such women to cruelty shall be punished. As per the Explanation (b) to the provision, for the purpose of this section, ‘cruelty’ means - the harassment of the women should be with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security. Proviso (b) contemplates that only if the harassment meted out to the women is with a view to coerce her to meet any unlawful demand for any property or valuable security, that would constitute cruelty under Section 498-A of I.P.C.

21. In the decision relied on by the appellant in ***M.Madhusudan Rao case cited supra***, the Honourable Supreme Court had held that as per section 498-A I.P.C., harassment simplicitor is not cruelty and only when the harassment is committed with a definite object of coercing the women or any person related to her to meet an unlawful demand for property. The relevant paragraph is extracted as follows:-

“18. It is plain that as per clause (b) of the Explanation, which, according to learned counsel for the State, is attracted in the instant case, every harassment does not amount to “cruelty” within the meaning of Section 498-A IPC. The definition stipulates



WEB COPY



that the harassment has to be with a definite object of coercing the woman or any person related to her to meet an unlawful demand. In other words, for the purpose of Section 498-A IPC, harassment simpliciter is not “cruelty” and it is only when harassment is committed for the purpose of coercing a woman or any other person related to her to meet an unlawful demand for property, etc. that it amounts to “cruelty” punishable under Section 498-A IPC.”

22. However, as per proviso (a) to explanation, any wilful conduct which is of such a nature as is likely to drive the women to commit suicide or to cause grievous injury would also constitute cruelty under Section 498-A of I.P.C.

23. The Hon’ble Supreme Court in the case of ***Aluri Venkata Ramana versus Aluri Thirupathi Rao & others***, in ***SLP(Crl) No.9243 of 2024 dated 12.12.2024***, held that an unlawful demand for dowry is not pre-requisite element to constitute ‘cruelty’ under Sec.498-A. It is suffice that the conduct falls under any of the two categories under (a) or (b) of the provision.

“13. From the above ingredients reiterated by this Court, it is clear that an unlawful demand for dowry is not a pre-requisite element to constitute “cruelty” under Section 498A IPC. It suffices that the conduct falls within either of the two broad categories outlined in clauses (a) or (b) of the provision, namely, wilful conduct likely to cause grave injury or mental harm (clause a), or harassment intended to coerce the woman or her family to meet any unlawful demand (clause b). Therefore, either form of cruelty,



independent of a dowry demand, is sufficient to attract the provisions of Section 498A IPC and make the offence punishable under the law.

14. Further, in the judgment of Arvind Singh v. State of Bihar², this Court observed that –

“25. word ‘cruelty’ in common English acceptance denotes a state of conduct which is painful and distressing to another. The legislative intent in Section 498–A is clear enough to indicate that in the event of there being a state of conduct by the husband to the wife or by any relative of the husband which can be attributed to be painful or distressing, the same would be within the meaning of the section”.

15. The impugned judgment of the High Court carefully examined several legal precedents pertaining to the two distinct limbs of Section 498A IPC. The High Court correctly observed that the decisions cited by the counsel for the accused did not establish that the wilful conduct referred to in clause (a) of Section 498A would only be considered as cruelty if it is coupled with a dowry demand or any unlawful demand for property or valuable security, as specified in clause (b). The High Court rightly rejected this contention. However, following this observation, the High Court also noted that the Appellant did not specifically allege a demand for property or valuable security, and further concluded that the allegation of the accused physically assaulting the Appellant did not amount to "wilful conduct" as envisaged under clause (a) of Section 498A IPC. The judgment of the High Court primarily



focused on the issue of whether a dowry demand is a necessary element for the applicability of Section 498A IPC. The conclusion it arrived at was that the two clauses of the provision must be read disjunctively, thereby confirming that the absence of a dowry demand does not preclude the application of the section. Despite this, the High Court went on to quash the criminal proceedings against the accused under Section 498A IPC. Notably, the High Court failed to provide adequate reasoning as to why the allegations made by the Appellant—specifically, that she had been physically beaten—did not amount to "cruelty" under Section 498A IPC. The High Court's decision to quash the proceedings appears to have been primarily influenced by the lack of a dowry-related demand in the case, without addressing the broader implications of the allegations of physical abuse, which can fall within the scope of "cruelty" as contemplated by the provision.

16. Before this Court, the Respondents have contended that the wilful conduct described in clause (a) of the Explanation to Section 498A IPC should only be treated as cruelty if it is accompanied by a dowry demand as outlined in clause (b), or that an unlawful demand for property or valuable security, standing alone, constitutes cruelty under Section 498A. However, in light of the discussion above, it is evident that this submission is without merit and, therefore, is not accepted by this Court.

17. Therefore, upon careful examination of the relevant provisions of Section 498A IPC, the precedents cited, and the factual matrix of the case, it is apparent that the High Court's decision to quash the criminal proceedings against Accused Nos. 1



and 2 was flawed. Section 498A IPC recognizes two distinct forms of cruelty: one involving physical or mental harm in clause (a) and the other involving harassment linked to unlawful demands for property or valuable security in clause (b). These two provisions are to be read disjunctively, meaning that the presence of a dowry demand is not a prerequisite for establishing cruelty under the Section. The allegations made by the Appellant, which detail instances of physical abuse and harassment, fall within the scope of "cruelty" as defined under clause (a) of Section 498A IPC. The absence of an explicit dowry demand does not negate the applicability of the provision where acts of physical violence and mental distress have been demonstrated. The core of the offence under Section 498A IPC lies in the act of cruelty and does not purely revolve around the demand for dowry. Therefore, the High Court erred in quashing all criminal proceedings against Accused Nos. 1 and 2 and the trial ought to have been allowed to be carried out."

24. In the instant case, the trial Court had found that there has been no evidence of cruelty or harassment which has driven the deceased to commit suicide and thereby, had acquitted the appellant under Section 304-B. In the absence of any evidence regarding demand of dowry and when the Trial Court also had concluded that there is no material showing demand of dowry, had only convicted the appellant under Sec.498-A, relying on the postmortem report and the opinion of the Doctor.



25. Even as per the evidence of P.W.2, mother and the sisters, after marriage, the accused was residing in their house at Chennai. There was a cordial relationship between the appellant and the deceased and they lived happily for nearly six months. After six months, the appellant had left to his village to attend to his personal work. There is no complaint of any harassment alleged against the accused by any of the witness. Even as per the evidence of P.W.2, in spite of the in-laws asking the deceased to return to their house, P.W.2 had not allowed the deceased to go back to the village stating that she will send her later. All that has been stated by the witness is that the appellant had habit of consuming alcohol.

26. Even according to P.W.1 to P.W.7, the deceased was in the house of P.W.2 till 29.05.2011 and only on 29.05.2011, they have brought the deceased to the village and left in the house of the appellant. P.W.3, sister had also in her evidence deposed that the deceased was not intending to marry and she wanted to stay in the house along with the mother P.W.2. When admittedly the deceased was brought and left in the house of the appellant only on 29.05.2011 and the deceased died on the very next day, the injuries if any found on the body of the deceased cannot be presumed to have caused by the deceased in the absence of any other evidence from the side of the prosecution.



27. The Trial Court had presumed from the evidence of Doctor/PW3 and the postmortem certificate/Ex.P3 that the injuries since had been opined to have happened 48 hours prior to the death, it would have been caused by the appellant. When the deceased was admittedly in her mothers house and came to the house of the appellant only previous day evening of the date of occurrence, the evidence relied on, does not support the case of the prosecution. Only in a case of dowry death under Section 304-B, there is a presumption under Section 113-B of the Indian Evidence Act. When once the Trial Court had acquitted the accused under section 304-B, no longer the presumption under section 113-B is available and the appellant cannot be convicted for the offences under section 498-A merely based on presumption, when the prosecution have not proved the case beyond reasonable doubt.

28. When there is absolutely no evidence in respect of the harassment meted out by the deceased in the hands of the appellant, the Trial Court had erroneously convicted the appellant under section 498-A merely on presumption that the appellant had caused harassment to the deceased relying on the evidence of P.W.9 and postmortem certificate. Such conclusion arrived at by the Trial Court is perverse, in the absence of the prosecution proving the offence committed under Section 498-A of IPC, beyond reasonable doubt.



29. On re-appraisal of the entire evidence, this Court finds that the finding arrived at by the trial court is perverse, suffers from infirmity and is liable to be interfered with.

30. Accordingly, the conviction and sentence imposed by the Trial Court against appellant in the judgment dated 23.03.2022 in S.C. No.218 of 2016 is set aside and the appellant is acquitted from all the charges. The bail bond furnished, if any, shall stand cancelled. Fine amount, if any, paid shall be refunded.

31. In the result, this appeal stands allowed.

23-02-2026

Index: Yes
Speaking order
Neutral Citation: Yes

GSA



To

1. The Sessions Judge,
Mahalir Neethimandram,
(Fast Track Mahila Court),
Villupuram.

2. The Deputy Superintendent Of Police,
The State of Tamil Nadu,
Mailam Police Station,
Villupuram District.



WEB COPY

CRL A No. 427 of 2



G.ARUL MURUGAN, J.

GSA

CRL A No. 427 of 2022

23-02-2026