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CRL A No. 256 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 256 of 2021

Senthilnathan

..Appellant(s)

Vs

State by Inspector Of Police,
Anthiyur Police Station,
Erode District. Cr.No.26/2011.

..Respondent(s)

PRAYER: The criminal appeal filed under Section 374(2) of Cr.P.C. to set aside the judgment and conviction passed in S.C.No.177 of 2015 dated 29.04.2021 on the file of the Learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court of Eorde.

For Appellant(s): Mr.B.M.SUBASH

For Respondent(s): Ms.T.HARSHANA
Govt.Advocate (CRL. SIDE)

JUDGMENT

The criminal appeal has been filed to set aside the judgment dated 29.04.2021 passed in S.C.No.177 of 2015 by the learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court of Eorde convicting the appellant/first accused for offence under Section 498(A) IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.50,000/- in default, to undergo three months simple imprisonment.



2. The case of the prosecution is that on 10.01.2011, defacto complainant PW1 brother of the deceased Uma Maheswari lodged a complaint Ex.P1 to PW10 Sub Inspector of Police, who received complaint, registered FIR Ex.P9. Thereafter, FIR placed before PW11, who took up investigation in this case. The complaint is that marriage between appellant and deceased took place 16 years prior to 10.01.2011. During marriage, demand of 25 sovereigns of jewels were made. At that time, 15 sovereigns of jewels were presented and balance 10 sovereigns of jewels were undertaken to be given later but not complied. Hence, the demand of dowry was continues and there was harassment in this regard. Out of marriage, they had two children namely Devaguru and Ilango. Prior night on 10.01.2011, there was a demand of Rs.10,000/- as dowry by the appellant and his mother and victim harassed and humiliated. Next day morning at 6.30 a.m., the deceased went to her parents' house, which is two houses away. There, she complained to her mother PW2 and brother PW1 about the demand, they pacified her and sent her back to her matrimonial home on the promise that within two days, they would pay the dowry amount. Thereafter, PW1 went to his job and PW2 was at home. At about 2.30 p.m. a neighbour informed PW2 about the death of her daughter by hanging and PW1 was also informed, both came to know victim taken to Govt. Hospital, Anthiyur. Both went there and saw his sister with injuries and contusion on the body of the deceased. Thereafter, PW1 lodged a complaint to PW10 Sub Inspector of Police.



3.PW10, after receiving complaint, visited the scene of occurrence, prepared observation mahazar, rough sketch in presence of one Suresh kumar and Kumaravadivelu PW5. Inquest conducted and PW9 was nominated as in-charge person for the body. PW7 is the post mortem doctor, who conducted post mortem, gave his report Ex.P6 and final opinion Ex.P7 confirming deceased death could have occurred due to asphyxia and by hanging. Hyoid bone collected, sent to PW6 Doctor, who gave the report that ante mortem inward fracture noted on right side upper end of greater cornu of hyoid bone with surrounding tissue contusion. The viscera collected and sent to PW8, who gave report Ex.P8 confirming no poison detected. Accused was arrested on the next day at 11.15 a.m. and sent for remand. After recording the statement of witnesses and collecting documents, PW12 filed charge sheet before the trial Court against the appellant and his mother.

4.Before the trial Court, PW1 to PW12 examined, Ex.P1 to P15 marked. No material objects produced. DW1 son of the appellant and deceased examined and one Court document Ex.C1 marked.

5.On conclusion of trial, the trial Court acquitted the appellant's mother from all charges, acquitted the appellant from offences under sections 306, 302 IPC and Section 4 of Dowry Prohibition Act, but convicted him for offence



under Section 498-A alone and sentenced him to undergo rigorous imprisonment for two years and fine of Rs.50,000/-, in default, to undergo three months simple imprisonment, against which, the present criminal appeal.

6.The contention of the learned counsel for the appellant is that in this case, marriage between appellant and deceased Uma Maheswari was 16 years before, both living happy. Out of marriage, they had two children, both are school going. It is projected as though prior to the night of 10.01.2011 there was a fight and demand of dowry of Rs.10,000/- by the appellant and his mother and that the deceased was humiliated and assaulted. It is further projected that on 10.01.2011 at about 6.00 a.m. the deceased went to her parents' house, two houses away from her matrimonial home and she complained to PW1 and PW2 about the harassment but none of the nearby residents examined to prove that on 10.01.2011 at 6.00a.m, she went to her parents' house and there was any fight on the previous day night.

7.On the contrary, PW1 & PW2 admit that after marriage, they not visited the house of the appellant. The deceased used to come to their house occasionally and she never stated she was no willing to go to her matrimonial home, but an explanation projected that considering the children welfare, victim would swallow the insults but no materials produced. It is further projected that



the appellant physically assaulted her, caused fracture and caused burns with cigarette and poured hot coffee on her. The post mortum Doctor PW7 in his report found no external injuries except for some scratches below the ligature mark, which is quite natural for any person, who is hanging to have such scratches while making last minute attempt to remove the rope.

8. In this case, PW1, PW2 and PW5 are the three witnesses, who speak about the harassment meted out to the deceased. All the three witnesses given exaggerated version and no independent witnesses or neighbours complained about any harassment or demand of dowry. The trial Court, on the evidence, rightly found that there is no physical harassment but found mental harassment. PW1, PW2 and PW5 clearly stated that they not visited the house of the appellant and further, the appellant was running a wholesale gingelly business and earning good income. He had a own house. The appellant along with his mother and two children and younger brother, who is mentally challenged, all were residing together in the house, his mother and brother residing in the ground floor, the appellant, deceased and two children in the first floor. It is the deceased, who was demanding that the house to be registered in the name of the appellant from the appellant's mother. Due to which, there was some dispute, which is normal in a family. He further submitted that the deceased was very possessive of her children and was not happy that two children were



comfortable and attached to their paternal grandmother. On an earlier occasion, the deceased attempted suicide and it was the appellant, who took her to a doctor and saved her. In this case, the evidence of the witnesses confirm appellant not escaped anywhere. He was available in the house and the police came there and took him to the police station but it is shown that the appellant was arrested at a different place.

9.DW1, son of the deceased and the accused, clearly deposed that all was well in the house and it was the appellant, who was taking care of their study and welfare. Even after the incident, they living with the appellant who is only taking care. The trial Court not considered these aspects but gave a moral conviction, not supported with any evidence and materials. He further submitted that in this case, the prosecution withheld a vital document namely the suicide note left by the deceased though PW11 investigating officer admits in the observation mahazer and in the case diary suicide not recorded but the same not produced despite specific question put to him. DW1 confirms that in the suicide note, his mother had written that no body to be blamed and she was taking extreme step on her own.

10.The learned Govt. Advocate (Crl.Side) for the respondent submitted that in this case, PW1 de facto complainant, brother of the deceased, was at work on 10.01.2011, when he received information that his sister committed



suicide by hanging. On getting information, he rushed to the primary health centre, the Doctor informed him that the body was taken to the Govt. Hospital, Anthiyur. He along with his mother went to the hospital and saw the deceased body with lot of contusions around the neck and other injuries. Thereafter, PW1 went to the police station and lodged a complaint to PW10, who registered FIR, handed over the FIR to PW11, who took up investigation, visited scene of occurrence, prepared observation mahazar and rough sketch in presence of witnesses went to the hospital conducted inquest and handed over body to PW9, who identified the body to the post mortum doctor PW7.

11. On 11.01.2011 inquest conducted in the presence of Panchayatars between 7 am to 8 am. During inquest, it was found that the appellant and his mother were continuously demanding dowry for the balance 10 sovereigns of jewels and also on the occasions of Deepawali, Pongal. On the night prior to 10.01.2011, there was demand of Rs.10,000/- as dowry and the deceased was harassed humiliated. On the next day, she went to her parents' house at 6 a.m. and requested the dowry amount of Rs.10,000/-. PW1 brother informed her that the amount cannot be arranged immediately and can be arranged in two days. The deceased informed that if the amount is not paid, she will not be seen alive, but PW1 and PW2 pacified her that within two days, they will arrange. Thereafter, deceased went back to her house. At about 2.30 p.m. her death was informed to them.



12. During inquest, Panchayataram confirmed the demand of dowry, harassment and cause of death. The accused was arrested on 11.01.2011 at about 11.15 a.m. and was sent for remand. Body was sent for post mortem. The doctor gave post mortem report, and the reason for the death is due to Asphyxia by hanging. Hyoid bone and viscera collected, sent for examination. PW6 doctor gave opinion confirming that there was fracture in the hyoid bone. PW8 is the Assistant Director Forensic Department conducted viscera and gave report detecting no poison. In this case, admittedly the suicide took place in the matrimonial home and the appellant being husband failed to give any explanation for the death. It is confirmed from the evidence of PW1, PW2 and PW5 that the deceased was constantly causing humiliation harassment and also causing physical and mental torture right from the day of marriage. The victim unable to bear any more torture and she was pushed to commit suicide. The trial Court, considering all these evidence, acquitted the appellant's mother A2 from all charges and the appellant for offences under Sections 4 of Dowry Prohibition Act, 306 and 302 IPC but found the appellant caused mental harassment and convicted him under Section 498-A IPC, which is a well-reasoned judgment, hence, prayed for dismissal of the criminal appeal

13. Considering the submission and on perusal of materials, it is seen that in this case, marriage between appellant and deceased took place about 16 years



prior to 10.01.2011 and out of the marriage, they have two children namely Devaguru and Ilango, the appellant along with his wife and two children residing in the first floor. Appellant's mother and another brother, a mentally challenged person, residing in the ground floor. There had been some dispute between husband and wife quite natural in a family. The parents of the deceased residing two houses away from the appellant's house, both PW1 and PW2 brother and mother admit after the marriage, they have not visited the appellant and the deceased and on occasions, deceased used to come to visit her parents and family members. In such circumstances, what happened inside the four walls of matrimonial home, there can be no evidence. On the other hand, in this case, DW1 is none other than the son of the appellant and the deceased who confirmed that there was no fight on the previous day night and it was like any other after day. On 10.01.2011, both DW1 and his brother went to school, in the afternoon, they were informed about their mother committing suicide by hanging. He further submitted that DW1 confirms that during investigation, police informed that her mother left a suicide note informing that nobody to be blamed for her taking extreme steps, on an earlier occasion, his mother attempted to suicide in the house and it was appellant, who saved his mother. Further, deceased demanded and forced the appellant to get the house registered in his name from his mother's name. The appellant requested the deceased to wait for some more time, so that, the property can be registered in his name. The evidence of the children is that father and grandmother were taking care of



them with love and affection providing all facilities and education. In this case, though the investigating officer admitted that there was a suicide note left behind, and it was collected, whether it was compared with the previous writings and signature of the deceased, no steps taken. Further, the suicide note not produced before the trial Court. Despite specific question put to the investigating officer.

14. The only evidence projected against the appellant is PW1, PW2 and PW5. Their evidence is with exaggeration and contradictions. They deposed as though the appellant used to physically assault the deceased and that she sustained fracture and several injuries including burn injuries. The post mortem doctor confirms there is no external injuries found on the body of the deceased. Further, it is also projected that the appellant used to stub live cigarettes carry burn injuries and pour hot coffee on her, earlier deceased had sutures. These injuries though might be on an early point of time, but the mark will be there. The post mortem doctor evidence confirms that there was no external injuries, thus the evidence of PW1, PW2 and PW5 are with exaggeration and it is also admitted by PW1, PW2 and PW5 that the appellant was doing gingelly business and having sufficient income and their family is wealthier than the family of the deceased. Considering all these aspects, the trial Court found that there is no harassment or material demand but there was some mental harassment which is



clearly negated by the evidence of DW1, who is none other than son of the appellant and the deceased, none of the neighbours had spoken about any harassment both mental and physical. The dispute is with regard to settlement of a house property by the mother of the appellant to the appellant, which is an unreasonable demand by the deceased and the harassment if any it is her own making and the appellant cannot be any reason and penalised.

In view of the above, this Court finds that the prosecution had failed to prove the charges against the appellant beyond the reasonable doubt. Hence, the appellant is acquitted of all charges. The judgment dated 29.04.2021 passed in S.C.No.177 of 2015 by the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode, is hereby set aside and the criminal appeal is allowed. Any fine amount, if already paid, shall be refunded to him. Bail bond, if any executed, shall stand discharged.

28-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sms



To

1. The Learned Sessions Judge,
Magalir Needhi Mandram,
Fast Track Mahila Court,
Eorde.

2. Inspector Of Police,
Anthiyur Police Station,
Erode District.

3. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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