IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11-11-2026

PRONOUNCED ON: 19-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A Nos. 543 of 2017 & 49 of 2018

CNR:{HCMA011547792017}

Crl.A.No.543 of 2017

J.Wesley, M/a-55 Years
S/o.John,
No.26/75, Ammaniammankoil Street,
Tondiarpet, Chennai-81.

..Appellant(s)/A1

Vs

State Rep. By
Assistant Commissioner of Police,
Tiruvottiyur Range, Chennai-600 019.

..Respondent(s)

CRL A No. 49 of 2018

CNR:{HCMA0104153220 18}

Kumar@lakshminarayanan
M/a.41 Years,
S/o.Late P.V.Ramanujam,
No.6, 1st Floor,
Chandran Devanesan Nagar,
New Perungalathur, Chennai-63.

..Appellant(s)

Vs

1.State Rep By
Assistant Commissioner Of Police,
Thiruvotriyur Range, Chennai-19.

2.Wesley,
S/o.John
No.89, C.B.Road, Basin Bridge,
Old Washermanpet, Chennai-21.

3.Sandhiya@Raziya Begum
W/o.Wesly,
No.89, C.B.Road, Basin Bridge, Old
Washermanpet, Chennai-21.

4.Vivek@vivek Daniel
S/o.Wesley,
No.89, C.B.Road, Basin Bridge, Old
Washermanpet, Chennai-21.

5.Reena@libiya Ivanjalin
W/o.Charles,
No.26/75, Ammani Amman Garden,
4th Street, Tondiarpet, Chennai-81

..Respondent(s)

CRL A No. 543 of 2017

Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to call for the records in connection with the order of conviction and sentence passed in S.C.No.12 of 2014 dated 22.08.2017 by the learned Mahila Sessions Judge, Chennai and set aside the same and acquit the appellant from all the charges.

CRL A No. 49 of 2018

Criminal Appeal filed under Section 372 of Code of Criminal Procedure, to set aside the order acquitting the accused A2 to A4 from all charges

and acquitting the accused A1 from the charge of 406 IPC in S.C.No.12 of 2014 dated 22.08.2017 on the file of the Sessions Judge, (Mahalir Neethimandram), Chennai.

CRL A No. 543 of 2017

For Appellant(s): Mr.G.Ponnambalathiyagarajan

For Respondent(s): Ms.Sharada Vivek,
Additional Public Prosecutor

CRL A No. 49 of 2018

For Appellant(s): Mr.M.Shajahan
for Mr.M.Mohammed Paarvez

For Respondent(s): Ms.Sharada Vivek, (for R1)
Additional Public Prosecutor
Mr.G.Ponnambalathiyagarajan (for R2 to R5)

Common Judgment

Criminal Appeal No.543 of 2017 has been filed by the accused/A1, challenging the judgment of conviction and sentence, passed by the learned Sessions Judge (Mahalir Neethimandram), Chennai, in S.C.No.12 of 2014 dated 22.08.2017.

2. Criminal Appeal No.49 of 2018, has been filed by the *de facto* complainant, challenging the acquittal of A1/2nd respondent of the offence under Section 406 of the IPC and the acquittal of A2 to

A4/respondents 3 to 5, vide judgment dated 22.08.2017 in S.C.No.12 of 2014 passed by the learned Sessions Judge, Mahalir Neethimandram, Chennai.

3. For the sake of convenience, the parties are referred to, as per the ranking before the trial Court.

4 (i) It is the case of the prosecution that the victim/deceased was married to the 3rd accused on 28.08.2008 in the presence and blessings of elders of both the families; that after marriage, the deceased and the 3rd accused lived in a joint family with A1, A2 and A4, who are the father, mother and sister of the 3rd accused, respectively; and that the accused conspired to extract money from the family of the deceased.

(ii) It is the further case of the prosecution that the accused demanded a sum of Rs.7,00,000/- from the mother of the deceased for setting up a juice shop for the 3rd accused; that they demanded money for the marriage expenses of the 4th accused, and when the deceased refused to ask her parents, the accused had beaten her; that thereafter, the mother of the deceased had given Rs.3,50,000/- to the accused for the marriage

expenses of A4; that since the deceased asked her mother to take a bigger house on lease, the mother of the deceased had taken two houses, initially, a house on lease for Rs.4,00,000/- and thereafter, another house on lease for Rs.6,00,000/-; that thereafter, the mother of the deceased had given a sum of Rs.5,80,000/-, which was the maturity amount she received from the post office in an RD Account [Kisan Vikas Patra] opened by her; and that on 01.08.2012, once again the accused demanded Rs.55,000/- and the mother of the deceased had given the said sum to the accused; that thereafter, on 03.08.2012 at about 23.45 hours, the deceased, unable to bear the humiliation and harassment on account of dowry demand, committed suicide by hanging; that the accused, after the death of the deceased, refused to return the gold jewels belonging to the deceased to her mother, and thus, the accused committed the offences under Sections 498A, 304B and 406 r/w 34 of the IPC.

(iii) After the death of the deceased, the maternal uncle of the deceased [PW1], lodged a complaint [Ex.P1], which was registered as an FIR [Ex.P25] in Crime No. 967 of 2012 under Section 174(3) CrP.C. by the Sub-Inspector of Police [PW16]. PW17, the Assistant Commissioner

of Police, took up the investigation, prepared the observation mahazar [Ex.P12] and rough sketch [Ex.P26], and seized the Saree [M.O.1] from the scene of occurrence under Seizure Mahazar [Ex.P13]. He conducted inquest and prepared the inquest report [Ex.P14]. Thereafter, on 10.09.2012, he altered the offences in the FIR into Sections 498A, 304B and 406 r/w 34 of the IPC, and after obtaining the postmortem report and the report of the Revenue Divisional Officer [RDO] and examining other witnesses, filed the final report against the accused for the offences under Sections 498A, 304B and 406 r/w 34 of the IPC, before the learned XV Metropolitan Magistrate, George Town, Chennai, which was taken on file as PRC No.15 of 2013.

(iv) On the appearance of the accused, the provisions of Section 207 Cr.P.C. were complied with. The case was committed to the learned Principal Judge, Chennai and was taken on file as S.C.No.12 of 2014. Thereafter, the case was made over to the learned Sessions Judge (Mahalir Neethimandram), Chennai, for trial.

(v) The trial Court initially framed charges under Sections 498A, 304B and 406 of the IPC. Thereafter, on 20.12.2016, after examining a

few witnesses, the charges were altered and three charges under Sections 498A, 306 and 406 of the IPC were framed. The accused when questioned, pleaded 'not guilty'.

(vi) To prove its case, the prosecution had examined 19 witnesses as P.W.1 to P.W.19 and marked 27 documents as Ex.P1 to Ex.P27, besides one Material Object as 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. On the side of the accused, two witnesses were examined as DW1 and DW2 and three documents were marked as Ex.D1 to Ex.D3.

(vii) On appreciation of oral and documentary evidence, the trial Court acquitted A2 to A4 of all the offences and A1 of the offence under Section 406 of the IPC. However, the trial Court convicted A1 for the offences under Sections 498A and 306 IPC and sentenced him as follows:

Offence under Section	***Sentence imposed***
498A of the IPC	To undergo rigorous imprisonment for three years, and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months.

Offence under Section	*Sentence imposed*
306 of the IPC	To undergo rigorous imprisonment for seven years, and to pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for six months.
The sentences were ordered to run concurrently.	

5. (i) Mr.G.Ponnambalathiyagarajan, learned counsel for A1/appellant in Crl.A.No.543 of 2017 and respondents 2 to 5 in Crl.A.No.49 of 2018, would submit that the prosecution has not established that there was a demand of dowry by the accused; that the earliest statements of the witnesses before the RDO was that they had voluntarily given money for the welfare of the deceased; that the prosecution has not established that there was cruelty in connection with dowry demand; and that the trial Court, having acquitted the other accused on the same evidence, ought to have acquitted A1, as the role played by him, even according to prosecution, is the same as that of the other accused.

(ii) The learned counsel pointed out to the evidence of the witnesses and their cross-examination, to substantiate his submission that there was no dowry demand by the accused; that whatever money that was paid by the mother of the deceased and the maternal uncle of the

deceased [PW1] was either given on their own volition or as loan; that since there was no dowry demand, the trial Court had framed charges only under Section 306 IPC, and the evidence do not suggest cruelty of such a kind which would attract the offence under Section 306 of the IPC.

6. Mr.Shajahan, learned counsel for the *de facto* complainant/appellant in Crl.A.No.49 of 2018 would submit that the judgment of acquittal of A2 to A4 of all the offences and A1 of the offence under Section 406 of the IPC, is perverse; that though the trial Court had observed in the judgment that there was evidence to prove that the deceased was subjected to cruelty, without any reason had held that A2 to A4 had not committed any offence; that the prosecution has established the case by examining the maternal uncle of the deceased [PW1], a neighbour [PW2] who speaks about the cruelty suffered by the deceased, the mother of the deceased [PW3] and an independent witness [PW5], who also stated about the cruelty to the deceased; and that therefore, the impugned judgment acquitting A2 to A4 is liable to be set aside.

7 (i) The learned Additional Public Prosecutor reiterated the submissions of the *de facto* complainant, though the State had not preferred an appeal against acquittal of A2 to A4.

(ii) As regards A1/appellant in Crl.A.No.543 of 2017, the learned Additional Public Prosecutor submitted that the trial Court was justified in convicting him, as he being the head of the family was the one who made the demand from the deceased, who in turn conveyed it to her mother [PW3] and her uncle [PW1]; that there is no reason to disbelieve the evidence of witnesses; that in his report, the RDO had clearly stated that the deceased committed suicide due to dowry demand; and hence, prayed for dismissal of the appeal.

8 (i) As stated above, the prosecution had examined 19 witnesses. PW1 is the maternal uncle of the deceased and the *de facto* complainant. He speaks about the various demands made by the accused at various stages and for various purposes. PW2, a neighbour, was examined to establish that on the day when the deceased committed suicide, she was subjected to cruelty by the accused. PW3 is the mother of the deceased,

who speaks about acceding to the demand of the accused and paying money to the deceased and the accused. PW4 is the relative of the deceased. PW5 is the friend of PW1. PW6 is the brother of the 2nd accused. Their evidence according to the prosecution corroborates the evidence of PW1 and PW3. PW7 was the landlord of the deceased. PW8 was working as a Post Master and speaks about the payment of Rs.5,85,250/- to PW3 and the deceased, who jointly held the Kisan Vikas Patra, on maturity. PW9 is a Mahazar witness.

(ii) PW10 is the Jail Superintendent, who speaks about recording of the PW3's statement in the jail by the investigating officer, as she was in custody for another case at that relevant point of time. PW11 is the RDO who conducted the inquest and marked her report [Ex.P15]. PW12 is the Casualty Medical Officer in Government Stanley hospital, who made entries in the Accident Register [Ex.P17]. PW13 is the Postmortem doctor, who conducted postmortem and issued the portmortem certificate [Ex.P18]. PW14 is the sister of the deceased and would speak about the money paid by her mother to the deceased and about Ex.P16-the letter [marked through PW3], said to have been written by the deceased. PW15

is the handwriting expert who confirms that Ex.P16 was written by the deceased. PW16 is the Sub-Inspector of Police, who registered the FIR. PW17 is the Investigating Officer, who filed the final report. PW18 and PW19 are the Deputy Superintendents of Police, who had also conducted a part of the investigation. The accused had examined DW1 and DW2 to prove their defence.

9. Though it is the case of the prosecution that the marriage took place in the presence of the elders and the family members, it is revealed from the evidence that the deceased and the 3rd accused were in a romantic relationship before marriage. The charge against the accused is not that at the time of marriage there was any dowry demand made by the accused.

10. The first demand is said to have been made by the accused for setting up a shop for the 3rd accused, who was then unemployed. Before the RDO, who conducted the inquest, PW3, the mother, who actually had set up the shop for the 3rd accused, stated that she voluntarily set up the shop for her daughter's welfare. In her deposition, for the first time, PW3

had stated that the accused demanded Rs.7 Lakhs for setting up of a business for the 3rd accused and committed cruelty on the deceased in several ways including beating her to ensure that the deceased and her mother accede to the demand.

11. However, the investigating officer, PW17 in his cross-examination, has stated that PW3 had not stated all those facts when he recorded her Section 161 Cr.P.C. statement. The relevant portion of PW3's evidence is extracted below for better appreciation.

> "மேலும் அ.சா.3 எனது விசாரணையில் "பின்னர் அந்த வீட்டிற்கு போனபிறகு உங்க அம்மாவிடம் 7 லட்சம் ரூபாய் பணம் வாங்கிவா விவேக்கிற்கு ஜூஸ் கடை வைத்துக்கொடுக்கவேண்டும் என்று ரசியாபேகம், அவர் கணவர், மகன் ஆகியோர் கேட்டதாக என் மகள் சொன்னாள். என் மகள் நான் உடனே என் அம்மாவிடம் பணம் கேட்கமுடியும் என்று அவர்களிடம் கேட்டுள்ளார். மீண்டும் என் மகள் போன் செய்து நீ வாம்மா என்னிடம் சண்டைபோடுகிறார்கள் 3 லட்சம் ரூபாயாவது அட்வான்ஸ் கொடுப்பதற்கு வாங்கிகொடு என்று என்னை துன்புறுத்துகிறார்கள் மாமா என்னை அசிங்கமாக பேசுகிறார் என்று என் மகள் என்னிடம் சொன்னாண். நான் போன்லேயே என் மகளிடம் என்னால் இப்போது பணம் தரமுடியாத என்று சொன்னேன். அதற்கு உன் அம்மா பணம் வைத்துள்ளார். நீ கேட்டால் தரமாட்டாரா என்று சொல்லி என் மகனை

> ஷோபாவில் தள்ளி 1ம் எதிரி அடித்ததாக என் மகள் போனில் எனக்கு தகவல் சொன்னார். 1ம் எதிரி ரசியாபேகத்திடம் நீ பீரோவில் இருந்த நகையை எடுத்தவா அதை அடகு வைத்து அட்வான்ஸ் கொடுப்போம் அவர்கள் என்ன செய்கிறார்கள் என்று பார்ப்போம் என்று கூறவில்லை.

Further, he had deposed as follows:

> "மேலும் அ.சா.3 எனது விசாரணையில் நான் உடனே ரசியா பேகத்திற்கு போன் செய்து என் மகளை துன்புறுத்தவேண்டாம். நான் உங்களுக்கு பணம் ரெடி பண்ணிதருகிறேன் என்று சொன்னேன். நான் என் கணவருக்கு தெரியாமல் சேர்த்து வைத்திருந்த பணம் ரூ.7 லட்சத்தை கொடுத்தேன் அவர்கள் ஜூஸ் கடை வைப்பதற்காக கொடுத்தேன். அந்த ஜூஸ் கடையையும் என் மகள் தான் போய் பார்த்துக்கொண்டாள். 1,3 எதிரிகள் எப்போதாவது கடைக்கு வந்து காசை எடுத்துக்கொண்டு போய்விடுவார்கள் என்று சொன்னாரா என்றால் மீண்டும் விவேக்கிற்கு வேலை இல்லை அதனால் அவனுக்கு கடை வைத்து கொடுக்க வேண்டும் எனது மகளை மாமியார், மாமனார், மருமகன் கேட்டு கொடுமை செய்துள்ளார் இதை என்னிடம் சொல்ல விவேக் கடைக்காக ரூ.7 லட்சம் கொடுத்ததாக கூறியுள்ளார் மற்ற விவரங்களை சொல்லவில்லை."

Likewise, PW3 had made several improvements as regards the cruelty meted out to her daughter for the first time in Court.

12. As regards the second demand of the accused i.e., Rs.4 Lakhs for taking a house on lease and PW3, paying the lease amount of Rs.4 Lakhs, PW3 in her statement before RDO had stated that since the accused were living in a small house and her daughter was also put to suffering, she had taken a house on lease for all of them to live together. Even in the deposition, PW3 does not speak about any demand made by the accused for shifting them to a bigger house. The earliest version of the witness [PW3] before the RDO and in her deposition would make it clear that the accused had not made any demand for Rs.4 lakhs for paying the lease amount.

13. As regards the payment of next lease amount of Rs.6 lakhs, here again, there is no evidence to suggest cruelty. The evidence does not suggest that the accused demanded a bigger house. In any case, PW3 in her cross-examination would admit that the she had received back the lease amount, paid by her, from the landlord. Therefore, this payment of Rs.6 lakhs said to have been paid by PW3 for obtaining a house on lease would not amount to dowry, and in any case the said amount was not paid pursuant to any dowry demand.

14. The next allegation in the charge sheet is that the accused obtained a loan of Rs.2,00,000/- from PW3 and Rs.1,50,000/- from PW1, the brother of PW3, for the marriage expenses of the 4th accused i.e., the sister of the 3rd accused. It is the prosecution case that the 1st accused had executed a bond [Ex.P2] promising to repay the loan of Rs.3.5 Lakhs received from PW1 and PW3. When A1 had executed a receipt and had promised to repay the said sum, and subsequently even presuming that he had breached the said promise, the advancement of loan by PW1 and PW3, cannot be termed as dowry.

15. The other transaction is payment of maturity amount from Kisan Vikas Patra held by PW3 and the deceased jointly, to the deceased, which cannot be termed as dowry. It is PW3's case that the said Kisan Vikas Patra was jointly held by her and her daughter, the deceased, and that she had voluntarily given the money to the deceased. In any case, the accused cannot be attributed with the knowledge that PW3 had savings in the Post Office jointly with the deceased. It appears to be a transaction, which PW3 had done voluntarily, for her daughter's benefit. The earliest version before the RDO also confirms that PW1's evidence to the

contrary, that it was only pursuant to the demand, is an afterthought. It is PW1's version that he met PW3 in the jail while she was in custody in connection with a murder case. The jail visit document marked by the defence as Ex.D3 would show that PW1 had not met the PW3 after 09.09.2011. Thereafter, it was the deceased who had been continuously meeting PW3 till 02.08.2012. It is only after the death of the deceased on 03.08.2012 that PW1 met PW3 in the jail on 16.08.2012. Therefore, the version of PW1 that PW3 told him that the accused demanded the maturity amount appears improbable.

16. The fourth allegation that in the month of June 2012, the accused demanded Rs.55,000/- towards school fees for the child born to the deceased and the 3rd accused, also appears to be improbable. In fact PW3 in her earliest version would state that she gave Rs.55,000/- out of the maturity amount received from Kisan Vikas Patra, whereas in the depositions both PW1 and PW3 would state that it is an independent transaction.

17. In fact, the trial Court after framing the charges under Section 304B of the IPC, altered the charge to Section 306 IPC, after examining all the witnesses. The prosecution or the *de facto* complainant had not objected to the alteration of the charge. Therefore, the trial Court had found that there was no evidence to substantiate the allegation of dowry demand.

18. PW2, the friend/neighbour of the deceased, speaks about the alleged assault made by A1 and that on 03.08.2018 when she went to the house of the accused and the deceased, the accused abused her for interfering in their family affairs. She left their house thereafter. She further deposed that later when she crossed the house of the deceased, the deceased was waiting outside and the deceased told her that the accused had abused her and that there was an altercation; that when the 3rd accused asked PW2 as to what happened, she is stated to have told him to ask his family members; that the deceased thereafter told the accused that she would call her uncle PW1, and at that time A1 had broken the phone and slapped the deceased; and that thereafter, since the accused asked her to leave, she left the house. However, the prosecution had not collected any evidence to establish that the phone was broken.

19. PW2 had also stated that when she met the deceased earlier, the deceased told her that her in-laws would be happy seeing the cheque for Rs.5 lakhs which was the maturity amount received from the Post Office. This at best suggests that the deceased was unhappy with her in-laws.

20. Be that as it may. Even as regards the other witnesses, who are predominantly hearsay witnesses, the defence have elicited contradictions in their depositions before the investigating officer. The prosecution had also relied upon Ex.P16, the letter said to have been written by the deceased, which was found by her sister PW14. Even in that there is no reference to any dowry demand. It only refers to the quarrels that the deceased had with her husband and her in-laws. In fact, she had not even accused A3 and A4 in the said letter, and she had accused her in-laws A1 and A2 only. This letter would not be of any consequence or avail to the prosecution. Further, PW1's evidence is in the nature of corroborating the evidence of PW3, and his evidence has to be appreciated in the light of PW3's evidence. In any case, it is the prosecution case that the demands were made from the deceased who in turn conveyed it to PW3. The

evidence of PW3 as stated above does not suggest that she had given the money pursuant to any dowry demand.

21. Therefore, this Court is of the view that the trial Court is right in holding that there was no dowry demand; that there was no cruelty of such a nature to drive a woman to commit suicide, so as to commit an offence under Sections 306 of the IPC. Further, there is no evidence to suggest that the accused had committed the offence under Section 406 of the IPC. The evidence suggests that there were quarrels in the family and not cruelty of the kind specified in Section 498A of the IPC. Hence, this Court is of the view that the impugned judgment, insofar as it holds A2 to A4 not guilty of any of the offences, is justified.

22. Even against A1, this Court is of the view that there is no evidence that he had committed cruelty of such a kind which had driven the deceased to commit suicide so as to attract the offences under Sections 498A and 306 of the IPC. As stated above, the evidence of PW2 at best suggests that A1 had beaten her on the evening of 03.08.2012. The

solitary, incident of slapping, at best would attract the offence under Section 323 of the IPC. However, no separate charge has been framed for the said offence. Even assuming that A1 has to be punished for the offence under Section 323 of the IPC, this Court finds that his incarceration during the investigation and trial would be sufficient punishment for the said offence.

23. In the result, it is ordered as follows:

(i) Crl.A.No.49 of 2018, filed by the *de facto* complainant, against the judgment of acquittal, is dismissed and the acquittal of A2 to A4 of all charges, is confirmed. The acquittal of the A1 of the offence under Section 406 of the IPC, is also confirmed.

(ii) Crl.A.No.543 of 2018, filed by A1, is allowed. The conviction and sentence imposed upon A1, vide judgment dated 22.08.2017 in S.C.No.12 of 2014 on the file of learned Sessions Judge, Mahalir Neethimandram, Chennai, are set aside. The appellant is acquitted of all the charges. The fine

amount, if any, paid by the appellant shall be refunded. Bail bond, if any, executed shall stand discharged.

19-11-2026

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

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To

1. The Sessions Judge,
(Mahalir Neethimandram), Chennai.

2. The Assistant Commissioner of Police,
Tiruvottiyur Range,
Chennai-600 019.

3. The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN J.

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Pre-delivery common judgment in
CRL A Nos. 543 of 2017 & 49 of 2018

19-11-2026