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IN THE HIGH COURT OF JUDICATURE OF MADRAS

Reserved on : 25.09.2026
Pronounced on : 30.10.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Case QR

CRL.A.No.657 of 2017
and
CRL.A.No.860 of 2018

CNR: {HCMA011577452017}

1.Sudhakar ... Appellant / Accused No.1
(CRL.A.No.657 of 2017)

2.S.Dhurairaj ... Appellant / Defacto Complainant
(CRL.A.No.860 of 2018)

Vs.

1. State represented by
The Deputy Superintendent of Police,
Arakonam Division, Vellore
(Arakonam All Women P.S. Cr.No.12/2007)

... 1st Respondent / Complainant
in both Appeals.

2.Sudhakar
3.Subiramani
4.Saroja
5.Sureshbabu
6.Gowrisankar ... Respondents / A1 to A5

PRAYER IN CRL.A.657/2017: Criminal Appeal filed under Section 374(2) of the Code of Criminal Procedure, 1973, to set aside the Judgment and Sentence and conviction imposed upon the appellant herein by the learned Sessions Judge, Magalir Needhimandram, (Fast Track Mahilar Court), Vellore in S.C.No.105 of 2013, dated 11.10.2017 and acquit the appellant herein.

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PRAYER IN CRL.A.860/2017: Criminal Appeal filed under Section 372 of the Code of Criminal Procedure, 1973, to call for the records pertaining to Sessions Case No.105 of 2013, on the file of the Sessions Judge, Magalir Neethi Mandram (Fast track Mahilar Court), Vellore, and set aside the order of acquittal, consequently, modify the Judgment dated 11.10.2017 and convict all the accused with maximum sentence of all the charges levelled against them in Sessions Case No.105 of 2013, on the file of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore.

For Appellant (in Crl.A.657/2017)	: Mr.R.Karthikeyan
For Appellant (in Crl.A.860/2018)	:Ms.Thangavadhana Balakrishnan
For Respondent (in Both Crl.A)	: Mr.R.Udayakumar Govt. Advocate (Crl.side)

COMMON JUDGMENT

Both appeals arise out of the judgment dated 11.10.2017 in S.C.No.105 of 2013, on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Vellore ("the trial Court"). By that judgment the first accused, Sudhakar, found guilty of abetment of suicide under Section 306 IPC and sentenced to rigorous imprisonment for ten years with a fine of Rs.10,000/-, in default simple imprisonment for two months. He was acquitted of the charges under Sections 498-A and 506(ii) IPC. Accused 2 to 5 were acquitted of all charges under Sections 498-A, 306 and 506(ii) IPC.

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2. Crl.A.No.637 of 2017 is filed by A1 against his conviction. Crl.A.No.860 of 2018 is filed by the *de facto* complainant / S.Dhurairaj, the father of the deceased, against the acquittals. He died during the pendency of the appeal. His wife, P.Karunavathi, who is the mother of the deceased, brought on record in his place, by order dated 02.12.2025 in Crl.M.P.No.22799 of 2025.

3. Since both appeals challenge the same Judgment and rest on the same evidence, they were heard together and disposed of by this Common Judgment. For the sake of convenience, the parties are referred to by their ranks before the trial Court: Sudhakar (A1), Subiramani (A2), Saroja (A3), Sureshbabu (A4) and Gowrisankar (A5). The deceased is referred to as Kalaivani, and the de facto complainant as P.W.1.

4. The facts of the case, in brief, are as follows:-

(i) One Kalaivani, a resident of Sholinghur, was a teacher in a private school. The accused are residents of Cuddalore. A2 and A3 are the parents of A1, A4 is his brother and A5 is a relative. In May 2005, the accused visited the house of P.W.1, proposed a marriage between A1 and Kalaivani. There was no further response from the accused family, but A1 kept in touch with Kalaivani by phone.

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(ii) On 11.11.2005, A1 called Kalaivani to Chennai and tied 'Thali' on her at the Vinayagar Temple at Tambaram, explaining to P.W.1 that he did so to console her because he was leaving for Pune. A1 later went to Pune, and then to Canada for training. Kalaivani visited him in Pune in 2006. Whenever P.W.1 pressed for a public marriage, A1 replied that he already married her at the Temple and it would be done with his parents' consent.

(iii) One of the accused told Kalaivani that, as a private school teacher, she was not equal to the status of A1 who earned about Rs.50,000/- per month, and A2 said to have demanded cash of Rs.10,00,000/- lakh, and 100 sovereigns of gold, as the price for accepting her. When P.W.1 learnt on 28.03.2007 that A1 about to marry another girl, Geetha of Dindivanam, he and others went to her house and disclosed the earlier marriage. A2 to A4 alleged to have threatened them there and over the phone.

(iv) On 30.03.2007, at about 5.00 a.m., Kalaivani found unconscious in the bathroom, having consumed pesticide. She was taken to the Government Hospital at Sholinghur, then to K.H.Appollo Hospital, Melvisharam, where P.W.6 treated her. She died at about 2.30 a.m. on 31.03.2007. P.W.1 lodged Ex.P.1 / Complaint with Arakkonam All Women Police Station on 30.03.2007. Initially, the

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case was registered in Cr.No.12 of 2007, under Sections 498-A and 506(i) IPC (Ex.P.19), and after her death, the offence of Section 306 IPC., added (Ex.P.21). The Postmortem Report (Ex.P.14) and the Toxicology Report (Ex.P.18) show death due to organophosphorus poisoning. A1 married Geetha on 01.04.2007.

5. The Revenue Divisional Officer / (P.W.9) conducted the inquest and in his report (Ex.P.16) recorded that there was no evidence of the alleged marriage and no dowry harassment emerged from his inquiry. The investigation taken up by P.W.13 and later by P.W.14, who filed the Final Report on 19.04.2011, more than four years after the occurrence.

6. P.W.1's chief-examination commenced on May 7, 2014. During his testimony, the prosecution sought to produce additional documents, copy of a complaint by the deceased, sari purchase bills, and A1's appointment letter, found in the deceased's almirah after her funeral. The trial court dismissed the prosecution's application under Section 230 Cr.P.C. to record them. The prosecution filed Revision in Crl.R.C.No.521/2015, which was dismissed on June 3, 2015, as not maintainable, with liberty to seek further investigation. The police then applied for further investigation under Section 173(8) Cr.P.C. Ultimately, the documents were marked in the course of P.W.1's evidence as Ex.P.2 to Ex.P.6, the defence having raised no objection at the time of marking.

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7. The trial Court framed charges under Sections 498-A, 306 and 506(ii) IPC against all five accused. They pleaded not guilty. The prosecution examined P.W.1 to P.W.14 and marked Ex.P.1 to P.21. The accused were questioned under Section 313 Cr.P.C. and denied the incriminating circumstances. No defence witness was examined.

8. The trial Court framed three points. On the first, whether a valid marriage was proved, it held that the prosecution not proved a marriage in the eye of law; P.W.2 and P.W.4 not eyewitnesses, no authenticated document of marriage produced, there was no proof of any essential rite and the very fact that P.W.1 and P.W.2 repeatedly forced A1 to marry their daughter indicated that no marriage taken place. The R.D.O.'s report was to the same effect. All the accused acquitted under Section 498-A IPC. On the second point, the trial Court held, relying on P.W.1 and the Handwriting Expert (P.W.5) and his report Ex.P.11), that Ex.P.5, a six-page undated letter, written by the deceased and could be acted upon. On the third point, it held that the prosecution not established threat because no call details produced, and there was no clinching evidence of instigation or aid by A2 to A5, there being nothing in Ex.P.5 to incriminate them. As regards A1, it concluded that "the contact and omission" of the accused created a circumstance in which the deceased left with no option, except to commit suicide, the cumulative effect of A1's

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contact amounted to instigation, and his act compelled and abett the suicide and imposed ten years' rigorous imprisonment saying that no mitigating circumstance had surfaced.

9. Ms.Thangavadhana Balakrishnan, learned counsel appearing for the *de facto* complainant, would submit that the Trial Court erred in acquitting the accused of the offences under Sections 498-A and 506(ii) IPC and in acquitting A2 to A5 of the offence under Section 306 IPC. According to her, the prosecution examined P.W.1 to P.W.14 and marked Exs.P.1 to P.21, through which the prosecution case substantially established. She would further contend that the evidence of the prosecution witnesses, read together with the documentary evidence, was sufficient to prove the allegations against the accused and the Trial Court failed to appreciate the evidence in its proper perspective. The defence not chosen to examine any witness or produce any evidence in support of its case. According to the learned counsel, the Trial Court ought to have considered the cumulative circumstance and the evidence on record instead of acquitting the accused of the aforesaid offences. She would therefore contend that the acquittals recorded by the Trial Court not sustainable and all the accused ought to have been convicted and awarded the maximum sentences prescribed by law. The learned counsel relied on the decision of Hon'ble Supreme Court in ***Reema Aggarwal v. Anupam, (2004) 3 SCC 199***, for the proposition that a person who enters into a marital relationship under the purported

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status of a husband cannot evade the operation of Section 498-A the Indian Penal Code, 1860, merely on the ground that the marriage is not legally valid.

10. In reply, Mr. R. Karthikeyan, learned counsel appearing for the appellant/A1, would submit that the submissions made on behalf of the *de facto* complainant do not overcome the fundamental deficiencies in the prosecution case. He would contend that the absence of defence evidence cannot relieve the prosecution of its obligation to establish the charges beyond reasonable doubt. The evidence relied upon by the prosecution had already been considered by the Trial Court, which acquitted A2 to A5 of the charge under Section 306 IPC and acquitted A1 of the offences under Sections 498A and 506(ii) IPC. The same evidence could not, without a proper assessment of the ingredients of Section 306 IPC and the specific role attributed to A1, establish that A1 abetted the deceased to commit suicide. He would reiterate that the alleged relationship, even if established, would not by itself constitute abetment in the absence of proof of instigation or intentional aid and a proximate nexus between the alleged conduct and the suicide. He would also rely upon the circumstances surrounding the production and marking of Ex.P.5, including its undated nature and the admission of P.W.1 that it had not handed over to the Investigating Officer, and would question the reliability of the handwriting comparison relied upon by the prosecution. He would therefore submit that the appeal against

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acquittal filed by the *de facto* complainant does not warra interference with the findings of the Trial Court and the appeal preferred by A1 deserves to be allowed.

11. Mr.R.Udayakumar, learned Government Advocate (Criminal Side), appearing for the State, would submit that the prosecution examined P.W.1 to P.W.14 and marked Exs.P.1 to P.21 in support of its case. The evidence on record included the complaint lodged by P.W.1, the medical and post-mortem records establishing that the deceased died due to organophosphorus poisoning, and the letter marked as Ex.P.5, which the Trial Court, relying upon the evidence of P.W.5, the Handwriting Expert, accepted as having been written by the deceased. He would submit that the evidence had to be considered in its entirety, particularly, the circumstances preceding the deceased's death and the findings recorded by the Trial Court regarding the conduct of A1. Hence, the learned Government Advocate prayed for dismissal of the appeal filed by A1.

12. This Court heard the submissions advanced by the learned counsel appearing for the Appellant/A1, learned counsel appearing for the *de facto* complainant, and the learned Government Advocate (Criminal Side), appearing for the State, and carefully perused the entire oral and documentary evidence available on record.

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13. The following points arise for consideration in these appeals:

(i) Whether the substituted appellant is entitled to prosecute Crl.A. No.860 of 2018?

(ii) Whether the prosecution has established beyond reasonable doubt that A1 abetted the suicide of Kalaivani, thereby sustaining the conviction under Section 306 IPC?

(iii) Whether the acquittal of A1 under Sections 498-A and 506(ii) IPC and the acquittal of A2 to A5 under Sections 498-A, 306 and 506(ii) IPC warrant interference by this Court?

14. In considering the appeal against conviction, this Court, as the statutory court, is required to re-appreciate the entire evidence on record and arrive at its own independent conclusions on the questions of fact and law. At the same time, while examining the challenge to the acquittals, this Court must bear in mind the principles laid down by the Hon'ble Supreme Court in ***Chandrappa v. State of Karnataka, (2007) 4 SCC 415***. The appellate court has full power to review, reappreciate and reconsider the evidence on which an order of acquittal is founded. Nevertheless, the acquittal reinforces the presumption of innocence in favour of the accused.

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Where the evidence reasonably admits of two views, the vie favourable to the accused must ordinarily prevail, and the acquittal should not be disturbed merely because another view is possible. The findings of the Trial Court must, therefore, be examined in the light of the evidence on record and the reasons assigned for arriving at its conclusions.

15. The original appellant in Crl.A. No.860 of 2018 was the father of the deceased. Under Section 2(wa) Cr.P.C., the expression "victim" includes the guardian or legal heir of a person who has suffered loss or injury by reason of the act or omission for which the accused has been charged. The proviso to Section 372 Cr.P.C. confers upon a victim the right to appeal against an order of acquittal, subject to the statutory requirements. In ***Mallikarjun Kodagali v. State of Karnataka, (2019) 2 SCC 752***, the Hon'ble Supreme Court recognised the independent statutory right of a victim to prefer an appeal against acquittal under the said proviso. The substituted appellant is the mother of the deceased, examined as P.W.2, and claims the right to continue the appeal as the legal heir of the deceased and the successor to the original appellant. The substitution permitted by order dated 02.12.2025, while the objections raised by the respondents reserved for consideration at the final hearing. In view of the conclusion reached on the merits of the appeal, it is unnecessary to render a final decision on the

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disputed question of the substituted appellant's entitlement continue the proceedings. For the purpose of deciding the appeal on merits, this Court proceeds on the assumption, in favour of the substituted appellant, that the appeal is maintainable.

16. Section 306 IPC provides for punishment where a person abets the commission of suicide. The expression "abetment" is defined under Section 107 IPC and encompasses (i) instigating a person to do a thing; (ii) engaging in a conspiracy for the doing of that thing, where an act or illegal omission takes place in pursuance of the conspiracy; or (iii) intentionally aiding, by an act or illegal omission, the doing of that thing. The prosecution case against A1, as reflected in the findings of the Trial Court, rests principally on the allegation of instigation. The question, therefore, is whether the evidence establishes the essential ingredients of instigation under Section 107 IPC so as to sustain the conviction under Section 306 IPC.

17. The Hon'ble Supreme Court has consistently held that instigation involves goading, urging, provoking, inciting or encouraging another person to do an act. ***In Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618,*** the Court explained that, although the actual words used need not expressly suggest the consequence, a reasonable certainty of inciting the act in question

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must be capable of being inferred from the conduct proved. A me utterance made in anger or emotional distress, without the requisite intention, would not necessarily amount to instigation. Likewise, in ***Gangula Mohan Reddy v. State of A.P., (2010) 1 SCC 750***, and ***M. Mohan v. State, (2011) 3 SCC 626***, the Court emphasised that the prosecution must establish the requisite *mens rea* and the ingredients of abetment; the mere fact that a person committed suicide does not, by itself, establish that another person abetted it. Where the accused, by an act or omission or a continued course of conduct, creates circumstances in which the deceased is left with no other option except to commit suicide, instigation may, depending on the evidence, be inferred. However, such an inference must arise from the conduct proved and its surrounding circumstances; it cannot rest merely upon the fact that the deceased was distressed by the accused's conduct or that the relationship between them had failed.

18. The decisive question, therefore, is not whether A1's conduct was morally blameworthy, whether the deceased suffered emotional distress, or whether A1's decision to marry another woman caused her anguish. The question is whether the prosecution has proved beyond reasonable doubt that A1, by his conduct, instigated the deceased to commit suicide within the meaning of Sections 107 and 306 IPC. This requires an examination of the nature of the

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conduct attributed to A1, the evidence establishing that conduct, t intention reasonably inferable from it, and the proximity and nexus between that conduct and the suicide. The Court must also distinguish between conduct that may have caused emotional suffering and conduct that satisfies the statutory ingredients of criminal abetment. The conviction must ultimately rest on proof of the latter, not merely on the tragic consequence of the deceased's decision to end her life.

19. The conviction rests substantially on Ex.P.5, so its reliability must first be tested. P.W.1 admitted in cross-examination that Ex.P.5 not handed over to the Investigating Officer and produced for the first time in Court. It was apparently found, with the other papers, in the deceased's almirah after the funeral rites and after the statements under Section 161 Cr.P.C. recorded. It is undated and does not purport to be addressed to any authority or to be a statement left on the eve of death. The prosecution's own witnesses say that its existence was kept from the police for years, and the final report filed more than four years after the occurrence.

20. The trial Court brushed aside this infirmity on the grounds that P.W.1 was about 70 years old, his cross-examination took place about two years after his chief examination, and the defence raised no objection, when the documents marked. Failure to object at the

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time of marking does preclude an objection to the mode of proof. does not preclude the Court from weighing the genuineness of a document and its probative value, which remain matters for the Court. Nor can P.W.1's categorical admission about when and how the document surfaced be explained away as lapse of memory.

21. The authorship of Ex.P.5 sought to be established through P.W.1, the father of the deceased, and the opinion of P.W.5, the handwriting expert, as recorded in Ex.P.11. P.W.5 compared Ex.P.5 with certain leave letters purportedly written by the deceased to her institution. In cross-examination, however, P.W.5 admitted that he could not say whether the leave letters and Ex.P.5 written during the same period. The defence further contended that the leave letters not satisfactorily established as genuine, contemporaneous writings of the deceased through the relevant school authorities. The trial Court sought to answer this objection by observing that there was no scientific method to determine the age of a writing. That observation does not, by itself, resolve the material issue concerning the reliability of the writings used for comparison. The question is whether those writings were sufficiently established as genuine writings of the deceased and whether the circumstances in which they were produced afforded a reliable basis for comparison. In ***Murari Lal v. State of Madhya Pradesh, (1980) 1 SCC 704***, the Supreme Court held that, having regard to the imperfect nature of handwriting identification, the expert’s reasons must be carefully

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scrutinised and the opinion assessed in the light of all other releva evidence. Although corroboration is not an inflexible legal prerequisite in every case, the court must exercise caution in evaluating such evidence. In the present case, Ex.P.5 produced at a belated stage, and the circumstances surrounding its production, together with the uncertainty concerning the comparative writings, required careful scrutiny. The expert's opinion could not, therefore, be treated as conclusive merely because P.W.5 attributed the document to the deceased. These deficiencies assume particular significance, when Ex.P.5 is relied upon as a material circumstance in sustaining a conviction carrying a sentence of ten years' rigorous imprisonment. Even so, this Court is prepared to proceed on the footing most favourable to the prosecution, namely that Ex.P.5 was written by Kalaivani. The real difficulty lies in what it says, and what it does not say.

22. On the trial Court's own reading, Ex.P.5 is the writing of a woman devoted to A1, who calls him her husband throughout, recalls their affection, and writes in anguish at being abandoned. The passages extracted by the trial Court show a wish that her last rites be performed by him as her husband; grief that he lives contentedly without a thought for her, and that she lives every moment remembering him; and a bitter question whether the deceitful trait he now shows was always there. The anguish and the sense of

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betrayal are real. But nowhere does Ex.P.5 say that A1 urge taunted, provoked or told her to die, nor that he made any demand, threat or insult that left her unable to bear it. It is a lament by a person grieving the end of a relationship.

23. The trial Court itself found that Ex.P.5 not incriminated the other accused and the prosecution failed to establish the allegations of threats and intimidation. Thus, the other circumstances relied upon by the prosecution to explain Kalaivani's suicide, including the alleged demand for Rs.10 lakh and 100 sovereigns of gold, the alleged taunts concerning her social and economic status, and the alleged threats at Dindivanam and over the telephone, were either not established to the requisite standard or not found to furnish a basis for attributing criminal abetment to A1. These allegations, therefore, cannot be treated as proved circumstances supporting the conviction merely because they formed part of the prosecution narrative. The question must ultimately be determined on the evidence actually accepted by the trial Court and whether that evidence establishes, beyond reasonable doubt, the essential ingredients of abetment under Section 306 read with Section 107 IPC.

24. Dehors of those allegations, what remains is that A1 developed a relationship with Kalaivani, gave her assurances of marriage, could not obtain his parents' consent, drifted away and

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agreed to marry another woman. Whatever may be thought of su conduct morally, it does not amount to abetment in law. A breach of a promise to marry, or the termination of an emotional relationship, is not in itself an act of instigation to commit suicide, because no element of goading or inciting the other to take her life is present. Kalaivani was an educated adult and a teacher. There is no evidence that A1 said or did anything to her in the last days, such as an ultimatum, a taunt or an insult, that could be viewed as pushing her towards death. The last contact described by P.W.1 is the telephone call on 28.03.2007 in which A2 and A3, told him that they had opted for another girl, and the consolation P.W.1 offered to his daughter afterwards. There is no evidence of any communication from A1 to the deceased between that date and her death.

25. The trial Court's conclusion that the "contact and omission" of A1 left Kalaivani with no option but to commit suicide, and that the "cumulative effect" of such contact amounted to instigation, is not supported by sufficiently reasoned finding on the essential ingredients of abetment. The principle explained in ***Ramesh Kumar's*** *case (cited supra)* requires the Court to examine whether the accused's conduct amounted to goading, urging, provoking or inciting the deceased to commit suicide, with the requisite intention, as may be inferred from the circumstances proved. The trial Court not identified any specific act or course of conduct by A1 that satisfied this requirement. Mere contact with the deceased, followed

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by its cessation, or an omission to continue the relationship, does n without more, constitute instigation. Nor can the requisite *mens rea* be presumed merely from A1's decision to marry another woman. The conclusion that Kalaivani had no other option but to take her own life appears to reason backwards from the tragic outcome, rather than establish, from the proved conduct of A1, the statutory ingredients of abetment. Suicide, however distressing its circumstances, cannot by itself supply the missing proof.

26. The alternative consideration of the deceased's alleged sensitivity does not advance the prosecution case. The trial Court not attributed the suicide to her being "hyper-sensitive to ordinary petulance"; rather, it treated her sense of betrayal as the explanation for her act. The issue, however, is not whether Kalaivani's grief was genuine or whether her perception of abandonment was understandable. It is whether the conduct of A1, assessed objectively and in the context of the evidence as a whole, amounted to abetment within the meaning of Sections 107 and 306 IPC. The sincerity or intensity of the deceased's distress cannot substitute for proof of instigation or any other legally recognised form of abetment.

27. The trial Court rejected the prosecution case concerning the alleged marriage, cruelty, dowry harassment and criminal intimidation, which rested substantially on the evidence of P.W.1,

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P.W.2 and P.W.4. It also took note of the R.D.O.'s report (Ex.P.16) which recorded that no dowry harassment emerged during the enquiry. Nevertheless, in determining whether A1 abetted Kalaivani's suicide, the trial Court relied on the evidence of the same family witnesses and its interpretation of the deceased's emotional state. It characterised A1 as having "cheated" the deceased, "fulfilled his thirst of lust" and "thrown away" her. Such observations may reflect the trial Court's moral assessment of the relationship, but they do not, by themselves, establish the ingredients of an offence under Section 306 read with Section 107 IPC. The alleged conduct, however blameworthy it may have appeared to the trial Court, to be examined by reference to the charge framed, the evidence actually proved and the statutory requirements of abetment. The question was not whether A1 had behaved unfairly towards the deceased, but whether his conduct amounted to instigation, intentional aid or another legally recognised form of abetment. In the absence of a demonstrated link between the conduct proved and the deceased's suicide, the trial Court's moral condemnation of A1 could not substitute for proof of the offence beyond reasonable doubt.

28. The trial Court relied on the evidence of P.W.8, the Security Manager of the Pune company, that A1 once introduced a lady as his wife, to hold that A1 "lured" the deceased with believable words. P.W.8 does not say that the lady was Kalaivani, and it is nowhere

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shown that Kalaivani was present or was informed of it, so th evidence cannot be linked to her state of mind. Further, the same Court held that no marriage in the eye of law was proved.

29. The Court also relied on A1's marriage with Geetha on 01.04.2007, a day after Kalaivani's death, as proof of an "unscrupulous attitude". Conduct after the death cannot constitute abetment, because abetment is complete only by an act that precedes and leads to the suicide. At best that conduct is evidence of character, and it was wrongly used to supply what was missing.

30. Several matters in the prosecution's own evidence also add to the doubt. Ex.P.1 said to have lodged at about 4.40 a.m. on 30.03.2007, whereas, the family says they found the deceased unconscious at about 5.00 a.m. that day; if the complaint preceded the discovery, it is unexplained. The investigating officers (P.W.13 and P.W.14) are recorded as having accepted that the witnesses added facts in Court that were not stated earlier. The R.D.O. (P.W.9), an independent officer, who made the earliest inquiry, found no evidence of marriage or of dowry harassment. These do not by themselves dispose of the case. They show that the prosecution evidence was insufficient to establish, beyond reasonable doubt, a positive course of conduct by A1 amounting to instigation.

31. A Court of criminal law decides guilt on proof of the

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ingredients of the offence charged. Moral censure of a failed relationship, or of the fact that sexual intimacy preceded a broken promise, cannot take the place of proof of abetment. Equally, it was wrong to treat the supposed absence of mitigating circumstances as a ground for a deterrent sentence of ten years for an offence on which the guilt itself is in doubt. The prosecution has failed to prove that A1 instigated, conspired in or intentionally aided suicide of Kalaivani, or he had intention required for abetment. The conviction under Section 306 IPC rests on conjecture, on a document of doubtful provenance whose contents not supported the charge, and on post-death conduct that is legally irrelevant. The finding of guilt cannot be sustained, and A1 is entitled to the benefit of doubt. Point (ii) is answered in favour of A1.

32. The trial Court held that the prosecution not proved the existence of a marriage between Kalaivani and A1 and consequently, Section 498-A IPC., which applies to a husband or his relative, not attracted. The finding is borne out by the evidence. P.W.2 and P.W.4 admitted they did not witness the alleged marriage and only reported what the deceased and A1 told them. P.W.1 conceded that the 'Thali' not produced before the Investigating Officer, no photograph, certificate or witness to the ceremony produced. The Investigating Officer not investigated the solemnization, cohabitation, reputation as husband and wife and not proved through any independent witness. The explanation of P.W.1, that A1 tied the ‘Thali’ on the

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deceased to console her, and the persistent demands of P.W.1 a P.W.2 that A1 marry her in the presence of relatives, are inconsistent with a marriage already solemnized. The R.D.O. found no evidence of marriage. Further, Ex.P.5, even if accepted, shows only her own belief and describes A1 tying the Thali, without proof of any rite.

33. The question whether the alleged relationship between A1 and the deceased attracts the application of Section 498-A IPC must be considered in the light of the statutory ingredients of the offence. In the present case, the principal allegation of dowry-related harassment was that money and gold demanded as a condition for accepting the deceased as A1's daughter-in-law. The amount allegedly demanded is inconsistent. The final report refers to Rs.1 lakh, whereas P.W.1 deposed to a demand of Rs.10 lakh, in addition to 100 sovereigns of gold. The R.D.O., who conducted the inquest, recorded in Ex.P.16 that no dowry harassment emerged during the enquiry. No call records or other contemporaneous communications produced to substantiate the alleged demand, and the Investigating Officer admitted that his attempt to obtain call details had failed. These deficiencies, considered alongside the other evidence on record, support the trial Court's conclusion that the charge under Section 498-A IPC not proved beyond reasonable doubt. The acquittal, therefore, represents a reasonably possible view of the evidence and does not warrant interference.

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34. As far as the decision of Hon'ble Supreme Court relied on by the defacto complainant in ***Reema Aggarwal's*** case is concerned, the said decision does not dispense with the requirement of establishing the essential ingredients of the offence of cruelty prescribed under the said provision. In the present case, the prosecution required to establish either wilful conduct of such a nature as was likely to drive the deceased to commit suicide or to cause grave injury or danger to her life, limb or physical or mental health, or harassment intended to coerce her or any person related to her to meet an unlawful demand for property or valuable security, or harassment on account of the failure to meet such demand. The principal allegation is that A1 demanded money and gold as a condition for accepting the deceased as his daughter-in-law. The amount allegedly demanded, however, is inconsistent between the final report and the deposition. Further, the Revenue Divisional Officer (R.D.O.), an independent public authority, recorded in the course of his inquiry that no dowry-related harassment had emerged. No contemporaneous communication, message or call record produced to corroborate the alleged demand, and the Investigating Officer admitted that his efforts to obtain the relevant call details unsuccessful. Upon an overall appreciation of the evidence on record, the prosecution failed to establish the requisite ingredients of cruelty

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under Section 498-A IPC beyond reasonable doubt. Accordingly, t acquittal of A1 under Section 498-A IPC represents a reasonable and plausible view of the evidence and cannot be characterised as perverse merely because another view may be possible.

35. The alleged threats at Tindivanam and over the phone rest on P.W.1, P.W.2 and P.W.4, all of whom are the closest relatives of the deceased and gave accounts that were improved in Court. No independent witness from Tindivanam was examined, no call details produced although the Investigating Officer admitted trying to obtain them, and the contents of the alleged threats are general. The trial Court's view that this charge not proved is a plausible and indeed correct appreciation, and no ground for interference exists.

36. If A1, who is the person at the centre of the relationship, did not abet the suicide, there can be no basis to hold that his parents, brother and relative did. In any event, Ex.P.5 does not name or incriminate any of them, as the trial Court found, and the allegations against them were of status taunts, a demand and threats, none of which proved. The deceased did not accuse them of anything. There is no evidence that they had any contact with the deceased in the last days that could amount to instigation. The acquittal of A2 to A5 is a proper one.

37. The complainant's grounds in Crl.A.No.860 of 2018 are general. The judgment is against law and evidence, that the accused

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led no defence evidence, and that the Court failed to consider t prosecution evidence. The burden is always on the prosecution, and the failure of an accused to adduce defence evidence cannot make up for a failure of proof. The complainant's prayer for the maximum punishment cannot be considered, since no conviction is sustained. Crl.A.No.860 of 2018 therefore fails.

38. In the result:

(a) Crl.A.No.637 of 2017 is allowed. The judgment of conviction and sentence, dated 11.10.2017, in S.C.No.105 of 2013 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Vellore, against the Appellant/A1 under Section 306 IPC is set aside, and he is acquitted of the charge under Section 306 IPC. His acquittal under Sections 498-A and 506(ii) IPC is confirmed.

(b) The fine amount of Rs.10,000/- paid by the appellant, if any, shall be refunded to him. The bail bond, if any, executed by him shall stand cancelled.

(c) Crl.A.No.860 of 2018 is dismissed. The acquittal of all the Accused / A1 to A5under Sections 498-A and 506(ii) IPC, and of A2 to A5 under Section 306 IPC, is confirmed.

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To:

1. The Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Vellore.

2. The Deputy Superintendent of Police, Arakkonam Sub Division, Arakkonam All Women Police Station, Vellore District.

3. The Public Prosecutor, High Court, Madras.

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M.NIRMAL KUMAR, J.

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Pre-Delivery Judgment made in

CRL.A.No.657 of 2017
and
CRL.A.No.860 of 2018

30.10.2026

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