



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 31882 of 2022 and
Crl.M.P.Nos.19580 & 19581 of 2022**

1. R.Karthik

S/o Rathinavelu,

2.Rathinavelu

S/o Kathamuthu,

3.Arulmozhi

W/o Rathinavelu, All Are Residing At
No.51/2, Kuttaikadu, Pattanam Village,
Rasipuram Taluk, Namakkal District

4.R.Kaviarasu

S/o Rajendran, No.74, Ayyampalayam,
Pattanam Village, Rasipuram Taluk,
Namakkal District

Petitioner(s)

Vs

1. Inspector Of Police

Rasipuram Police Station, Namakkal
District (crime No.1092/2021)

2.K.Annadurai

S/o Kuppusamy, No.5/94, Kudi Street,
Periya Kalankani, Namakkal District

Respondent(s)

PRAYER

To Call for the records pertaining to the Case in PRC.14/2022 on the file of the
Judicial Magistrate Court, Rasipuram Namakkal district and Quash the Same.



For Petitioner(s): Mr.C.Arunkumar
For Mr.M.Karthik

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl.Side) for R1
Mr.A.Thiyagarajan
Senior Counsel
for Mr.S.Ramesh Kumar for R2

ORDER

This petition has been filed challenging the entire proceedings in PRC.No.14 of 2022 on the file of the Judicial Magistrate Court, Rasipuram, Namakkal District.

2.The case of the prosecution is that the petitioners are charged for offences punishable under Section 304B of IPC for the allegation that the first accused and the deceased got married on 14.09.2016. The accused Nos.2 and 3 are the father and mother of the first accused respectively. The accused No.4 is the brother-in-law of the first accused. The fifth accused is the uncle of the first accused. At the time of their marriage, 25 sovereigns of gold and cash of Rs.25,000/- were presented as dowry. But the accused persons 1 to 3 had been harassing the deceased by demanding the deceased dowry for a sum of Rs.5 lakhs. The first accused used to get money whenever he visited the 2nd respondent's house. Further, the first petitioner also harassed the deceased and tortured her for the reason that she did not give birth to any child. While being so, on 29.09.2021, at about 10.00 AM, the deceased informed the 2nd respondent



that the petitioners 1 to 3 harassed her by beating her, for the reason that she did not conceive a child and also demanded dowry. Immediately the 2nd respondent informed about the same to his wife and his relatives. They went to the house of the deceased on 29.09.2021 at about 05.00 PM. The accused persons 1 to 4 had assaulted the deceased, scolded the deceased in filthy language, kicked her on the stomach and had attacked her with a wooden log. Thereafter, she was forcefully to be thrown out of the petitioners' house. Therefore, the deceased fell down and became unconscious till 11 PM. Thereafter, the accused persons 1 to 4 had taken her to the SKS Hospital, Salem. However, she was declared as brought dead. Thereafter, the 1st respondent registered FIR in Crime No.1092 of 2021 for the offence punishable under Section 174(3) of Cr.PC. After completion of investigation, the 1st respondent closed the FIR as 'further action dropped'. The 2nd respondent was served with referred charge sheet notice. Immediately, the 2nd respondent filed a protest petition. In support of his complaint, he examined six witnesses.

3. On perusal of the statements, the Appellate Court had taken cognizance by an order dated 08.07.2022 in Crl.M.P.No.2499 of 2022 for the offences punishable under Section 304B of IPC. While pending proceedings in PRC.No.14 of 2022, the petitioners filed this petition to quash the entire proceedings in PRC.No.14 of 2022 on the file of the Judicial Magistrate Court,



Rasipuram, Namakkal.

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4. The learned counsel for the petitioners submits that the learned Magistrate had taken cognizance on the protest petition filed by the 2nd respondent on the basis of evidence of PW1 and PW2. PW1 and PW2 are parents of the deceased. They did not even whisper before the Revenue Divisional Officer, who conducted inquest and also did not even whisper in their complaint and the statement recorded under Section 161 of Cr.PC before the 1st respondent about any specific overt act as against the petitioners to make out charges under Section 304B of IPC. All of a sudden, they deposed before the learned Judicial Magistrate as if there was dowry demand by the petitioners and they had assaulted her for that reason. They also have beaten her for not conceiving a baby. He further submits that the Accident Register, which was recorded by the Hospital authorities clearly shows that the reason for the demise is metabolic acidosis and pulmonary embolism. The postmortem report and viscera report finally opined that the deceased died due to pulmonary embolism. He also produced the records with regard to what is pulmonary embolism and what is the cause for pulmonary embolism. Further, the 1st respondent conducted a detailed enquiry and on the basis of the statement recorded under Section 161 of Cr.PC and also the report submitted by the RDO dated 12.11.2021, the 1st respondent closed the FIR as 'further action dropped'. The



RDO conducted a detailed inquest and submitted a report, thereby concluded that the deceased did not die due to any dowry harassment. Therefore, the complaint is only an after thought of PW1 and PW2 and without considering the above facts and circumstances, the learned Judicial Magistrate, Rasipuram, Namakkal, had taken cognizance on the protest petition filed by the 2nd respondent.

5. The learned Senior Counsel appearing for the 2nd respondent submitted that admittedly the death had been caused before the completion of 7 years from the date of marriage of the first accused and the deceased. Therefore, the RDO conducted an enquiry. Though the RDO concluded that there was no dowry demand, they categorically deposed before the learned Judicial Magistrate that there was dowry demand and that on the date of occurrence, all the accused had beaten up the deceased and due to which she fell unconscious. Therefore, dowry harassment was the cause of the demise and therefore, the Trial Court has rightly taken cognizance for the offence under Section 304B of IPC and the grounds raised by the petitioners before this Court can be raised before the Trial Court by letting in evidence. Thereafter, he further submits that PW1 and PW2 categorically deposed before the Court and hence, a *prima facie* case has been made out by the petitioners for the offence punishable under Section 304B of IPC. Further, the deceased fell ill during the night hours for which there is



absolutely no explanation by the accused. Therefore, he prayed for dismissal of this petition.

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6.The learned Government Advocate (Crl.Side) submits that on the basis of the inquest report submitted by RDO and also the statement under Section 161 of Cr.PC, the 1st respondent concluded that there was no dowry demand and the death was caused due to pulmonary embolism as per viscera report and closed the FIR as 'further action dropped'.

7.Heard the learned counsel for the petitioners, learned Government Advocate (Crl.Side) for 1st respondent and the learned Senior Counsel for 2nd respondent and perused the materials on record.

8.There are totally four accused persons and the petitioners are arrayed as A1 to A4. Though the 2nd respondent filed a protest petition as against the 5th accused, the learned Magistrate has taken cognisance as against the petitioners alone and they are arrayed as A1 to A4. The first accused married the deceased on 14.09.2016 and they had no issues for a while after the marriage. While being so, on 29.09.2021, the deceased suffered with stomach pain, vomiting and also giddiness. At about 11.00 PM on 29.09.2021, she was brought to SKS Hospital, Salem, in the condition of breathlessness. Further, she had also been



taking treatment for her infertility for the past one year. On examination, the

Hospital recorded the condition of the deceased as follows:-

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ON EXAMINATION:

E3V5M6 (14/15)
Patient drowsy, unconscious
Disoriented
Peripheral cold
Afebrile

Vitals:

BP - 76/40 mm/Hg.
Pulse - 78/min
RR - 24 min.
SPO2 - 82% in RA
SPO2 - 83% with (NRB) mask.

INVESTIGATIONS: REPORTS ENCLOSED.

DEATH NOTES:

24 years old female came with history of vomiting abdominal pain since yesterday night. History of SOB, Myalgia, history of backache, history of infertility and took treatment for the same.

O/3 patient on gasping state, not responding, peripheral pulse not felt BP not recordable.

CPR initiated as per ACL protocol inj adrenaline 1 mg iv given every 3 minutes.

After obtaining comment, patients intubated with 7 size ETT. Bilateral air entry checked and equal. Tube lined at 18 cm.

Patient condition explained to attenders. In spite of effective resuscitation methods patient could not be revived Patient was declared as dead on 30.09.2021 @ 6.50 AM.

CAUSE OF DEATH:

. ?POISONING



- ?METABOLIC ACIDOSIS
- ?PULMONARY EMBOLISM"

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9. She was declared dead on the early hours of 30.09.2021. Thereafter, the body of the deceased was subjected to postmortem. In the postmortem report, it was mentioned that "venflon mark present in left arm and right elbow". It shows that the deceased did not have any external injuries and only venflon mark was present in the body of the deceased. Further, the cause of death according to the viscera report is "Pulmonary Embolism". Finally, the viscera report shows that no poison was detected in any of the body parts of the deceased. The Doctor who conducted the postmortem deposed before the 1st respondent and stated that based on the postmortem findings and toxicology reports, he is of the view that the cause of death was due to pulmonary embolism. Therefore, the death was not caused due to any other force or any other injury sustained by the deceased.

10. The term 'pulmonary embolism' is defined as follows:-

"**Pulmonary embolism (PE)** is a blockage of an artery in the lungs by a substance that has moved from elsewhere in the body through the bloodstream (embolism). [6] Symptoms of a PE may include shortness of breath, chest pain particularly upon breathing in, and coughing up blood. [1] Symptoms of a blood clot in the leg may also be



present, such as a red, warm, swollen, and painful leg.[1] Signs of a PE include low blood oxygen levels, rapid breathing, rapid heart rate, and sometimes a mild fever.[11] Severe cases can lead to passing out, abnormally low blood pressure, obstructive shock, and sudden death.[2]”

11. Further, on a perusal of the statement of the parents of the deceased based on which FIR was registered in Crime No.1092 of 2021, it is revealed that the parents of the deceased did not even whisper about any allegation against the accused and they did not have any suspicion regarding their daughter's death. They also deposed that she was taking treatment for her infertility. On the basis of their statement, medical evidence, such as accident register, postmortem report and viscera report and also on the basis of the opinion of the Doctor, who conducted postmortem, the 1st respondent closed the FIR as ‘further action dropped’. Further, the inquest report submitted by the RDO also revealed that there was no dowry demand from the petitioners and the death was not caused due to any dowry violence. After the receipt of the report, the 2nd respondent filed protest petition and deposed that the petitioners harassed the deceased by demanding more dowry and that they had beaten her to death on the date of her demise. It was their further allegation that they had tortured the deceased for not giving birth to a baby.



12. In fact, the wife of the 2nd respondent, in complete contradiction to the earlier version, had deposed that she was very much present along with the deceased on 29.09.2021. In her presence, all the accused had beaten her. She was unconscious till 11 PM on 29.09.2021. In her presence, the accused persons had scolded the deceased for not giving birth to a baby and had also tortured her to death. Therefore, PW1 and PW2 completely developed their version after filing protest petition, after closure report filed by the 1st respondent before the learned Judicial Magistrate, Rasipuram, Namakkal, and deposed before the learned Judicial Magistrate in order to prosecute the petitioners. Only on the basis of the statements recorded from the 2nd respondent and his supportive witnesses, the learned Judicial Magistrate had taken cognisance by an order dated 08.07.2022.

13. Though the mother of the deceased was very much present along with the deceased while the petitioners were torturing her and beating her, she did not even lodge any complaint to the jurisdictional police station and she did not even whisper about the same to the Doctor, who treated the deceased. It shows that they completely developed and improved their version and deposed before the learned Judicial Magistrate to wrongfully prosecute the petitioners. It is nothing but a clear abuse of process of law.



14. The learned Judicial Magistrate failed to look at the statement recorded before the 1st respondent and the other evidences such as accident register, postmortem report, viscera report and the statements of the Doctors. Except the statements of PW1 and PW2, i.e., the 2nd respondent and his wife, no other piece of evidence is available on record to work out a *prima facie* case to charge the petitioners under Section 304B of IPC. It is relevant to extract the provisions of Section 304B of IPC hereunder:-

“304B. Dowry death.—

(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purposes of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven



years but which may extend to imprisonment for life.”

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15. Therefore, even on the statements recorded by the learned Judicial Magistrate, no offence, more particularly, the charge under Section 304B of IPC can be constituted as against the petitioners. Therefore, the order passed by the learned Judicial Magistrate, Rasipuram, Namakkal District, in Crime No.1092 of 2021 and the entire proceedings in PRC.No.14 of 2022 cannot be sustained and are liable to be quashed and accordingly quashed.

16. In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

17-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. Inspector Of Police
Rasipuram Police Station, Namakkal
District (crime No.1092/2021)

2.K.Annadurai
S/o Kuppusamy, No.5/94, Kudi Street,
Periya Kalankani, Namakkal District.

3.The learned Judicial Magistrate,
Rasipuram, Namakkal District.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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