

**IN THE COURT OF JUDICIAL MAGISTRATE, ADDITIONAL MAHILA  
COURT, COIMBATORE.**

**PRESENT: Tmt.N.G.SINDHU, B.A., L.L.B.,  
JUDICIAL MAGISTRATE,  
ADDITIONAL MAHILA COURT,  
COIMBATORE.**

Monday 25nd May 2026

Tiruvalluvarandu 2057, Parabhava Year, Monday 11th Vaikasi

Calender Case No.27/2016

**CNR NO.:TNCB0A-004307-2016**

The Inspector of Police,  
Kuniyamuthur PS,  
Coimbatore.

Crime No.792/2014

... Complainant

**/VS/**

A1. Prabhu (32)  
S/o.Myilsubramaniam,  
D.No.9A, Ponasari Street,  
Kuniyamuthur, Coimbatore.

A2. Lalitha (49)  
W/o.Myilsubramaniam,  
D.No.9A, Ponasari Street,  
Kuniyamuthur, Coimbatore.  
Coimbatore.

... Accused 1 and 2

The Hon'ble High Court of Chennai ROC No.814/2020 RG/F1 dated 07.04.2021 (P.Dis.No.36/2021) The summary of the case is as follows.

| Sl. No. | Summary of the case                                                                     |   |                                                                                     |                                 |
|---------|-----------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------------|---------------------------------|
| (i)     | Accused Remand days                                                                     | : | Accused's Name                                                                      | Remand date Released bail       |
|         |                                                                                         |   | A1. Prabhu (32)<br>S/o.Myilsubramaniam,<br>A2. Lalitha (49)<br>W/o.Myilsubramaniam, | -- --                           |
| (ii)    | Date of filing of complaint and the final report in the court                           | : | Date of filing the complaint                                                        | Final report filed in the court |
|         |                                                                                         |   | 28.10.2014                                                                          | 08.01.2015                      |
| (iii)   | For further investigation to send Session the case to the justice minister ordered date | : | --                                                                                  |                                 |
| (iv)    | Sec. 228, 240, 248 of Cr.P.C and sec 251 to the accused questions.                      | : | 01.03.2017                                                                          |                                 |
| (v)     | All miscellaneous petitions and its                                                     | : | Miscellaneous Petition number                                                       | Petition date Conclusion        |

|      |                                                                                                                     |   |                                                                                                                    |                          |                                                                                                                                                                                                                                          |
|------|---------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | results. Results against in the Supreme Court capital if it has been done, Results. petition u/s.317 Cr.P.C Except. |   | 1. Recall petition in CMP.No.13314/2024<br>2. Petition U/s.205 of Cr.PC filed and numbered as CMP.No.6484 of 2025. | 05.04.2024<br>01.07.2025 | 20.06.2024<br>Allowed<br>CMP 6484/2025 for the dispensing the appearance of A2 is allowed with a condition that she shall be meet at the time of 313 questioning at the time when the court finds her present is necessary on 15.07.2025 |
| (vi) | Examination of Witnesses and cross - examination date                                                               | : | Witnesses name                                                                                                     | Chief examination date   | Cross examination date                                                                                                                                                                                                                   |
|      |                                                                                                                     |   | P.W.1 Malar                                                                                                        | 16.03.2017               | --<br>27.05.2025                                                                                                                                                                                                                         |
|      |                                                                                                                     |   | P.W.2 Saravanan                                                                                                    | 16.03.2017               | --                                                                                                                                                                                                                                       |
|      |                                                                                                                     |   | P.W.3 Arumugam                                                                                                     | 08.03.2024               | --<br>29.07.2025                                                                                                                                                                                                                         |
|      |                                                                                                                     |   | P.W.4 Jayadevi                                                                                                     | 05.04.2024               | 05.04.2024                                                                                                                                                                                                                               |
|      |                                                                                                                     |   | P.W.5 Subbaiah                                                                                                     | 05.04.2024               | 05.04.2024                                                                                                                                                                                                                               |

|       |                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |            |            |
|-------|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|------------|
|       |                                                     | P.W.6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Manickam | 22.07.2025 | 22.07.2025 |
| (vii) | U/s.313 of the Cr.P.C :<br>accused question<br>date | 06.03.2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |            |            |
| viii  | The accused pleaded :<br>guilty / not               | Pleaded not guilty                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |          |            |            |
| (ix)  | In the High Court :<br>Stay, if any, Result.        | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -        | -          | -          |
|       |                                                     | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | -        | -          | -          |
| (x)   | Charge :                                            | இவ்வழக்கின் முதலாவது எதிரிக்கும் வாதிக்கும் கடந்த 05.12.2011 ம் தேதி திருமணம் நடைபெற்றதாகவும், திருமணமான நாளில் இருந்தே எதிரிகள் இருவரும் வாதியை அவர் வீட்டில் செய்த சீர்வரிசை போதாது என்று கூறி கொடுமை செய்து வந்ததாகவும், முதலாவது எதிரி வாதியிடம் அடிக்கடி சண்டையிட்டுக்கொண்டு வாதியின் பெற்றோரிடமிருந்து பணம் வாங்கி வரச்சொல்லி கொடுமைப்படுத்தியுள்ளதாகவும், இந்த செய்கைக்கு 2 வது எதிரியும் உடந்தையாக இருந்ததாலும், 1, 2 எதிரிகளின் மீது இதச 498(A) ன் படி குற்றச்சாட்டு வளையப்பட்டது. |          |            |            |
| (xi)  | The accused's :<br>response                         | Not guilty.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |            |            |
| (xii) | Judge's decision :                                  | In the result, the A1 and A2 are found guilty of offence u/s 498(A) of IPC and they stands convicted for the aforesaid accusations as per section 271(2) of BNSS.<br><br>(i) The A1 is sentenced to undergo simple imprisonment for a term of 6 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for                                                                                                                                                                  |          |            |            |

|      |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |          | <p>the offence u/s 498(A) of IPC.</p> <p>The A1 shall be liable to undergo additional imprisonment of 3 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>ii) The A2 is sentenced to undergo simple imprisonment for a term of 3 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The A2 shall be liable to undergo additional imprisonment of 2 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The sentenced imposed shall run concurrently.</p> <p><b>Hence, Total fine amount of ₹5,000 (Rupees Ten Thousand Only) is imposed against the A1 and Total fine amount of ₹5,000 (Rupees Five Thousand Only) is imposed against the A2. since they were found not guilty for the alleged offences and they are acquitted from their charges levied against them.</b></p> |
| xiii | Judgment | <p>: In the result, the A1 and A2 are found guilty of offence u/s 498(A) of IPC and they stands convicted for the aforesaid accusations as per section 271(2) of BNSS.</p> <p>(i) The A1 is sentenced to undergo simple imprisonment for a term of 6 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The A1 shall be liable to undergo additional imprisonment of 3 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>ii) The A2 is sentenced to undergo simple</p>                                                                                                                                                                                                                                                                                                                                                                           |

|                                                             |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             |                                                                | <p>imprisonment for a term of 3 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The A2 shall be liable to undergo additional imprisonment of 2 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The sentenced imposed shall run concurrently.</p> <p><b>Hence, Total fine amount of ₹5,000 (Rupees Ten Thousand Only) is imposed against the A1 and Total fine amount of ₹5,000 (Rupees Five Thousand Only) is imposed against the A2. since they were found not guilty for the alleged offences and they are acquitted from their charges levied against them.</b></p> |
| Schedule under Rule 106 of the Criminal Procedure Code 2019 |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1.                                                          | Serial Number                                                  | C.C.No.27/2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 2.                                                          | Name of the Police Station and the Crime Number of the offence | Kuniyamuthur Police Station<br>Cr.No.792/2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3.                                                          | Name                                                           | A1. Prabhu (32)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.                                                          | Father's Name                                                  | S/o.Myilsubramaniam,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5.                                                          | Occupation                                                     | D.No.9A, Ponasari Street,<br>Kuniyamuthur, Coimbatore.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 6.                                                          | Residence                                                      | A2. Lalitha (49)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 7.                                                          | Age                                                            | W/o.Myilsubramaniam,<br>D.No.9A, Ponasari Street,<br>Kuniyamuthur, Coimbatore.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 8.                                                          | Occurrence                                                     | 05.12.2011 (திருமணமான 1 மாதம்)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|    |                                                   |                                       |
|----|---------------------------------------------------|---------------------------------------|
|    |                                                   | (முதல்)                               |
| 9  | Complaint                                         | 28.10.2014                            |
| 10 | Apprehension                                      | -                                     |
| 11 | Release on bail                                   | -                                     |
| 12 | Commitment                                        | No                                    |
| 13 | Clmmencement of trial                             | 01.03.2017                            |
| 14 | Closure of trial                                  | 06.03.2026                            |
| 15 | Sentence of order                                 | concurrently                          |
| 16 | Service of copy of Judgment of finding on accused | Copies furnished to A1 <b>and</b> A2. |

**As per Rule 106 CRP 2019**

**Case Summary in CC No.27/2016**

| <b>Sl. No.</b> | <b>Description</b>                                        | <b>Remarks</b> |
|----------------|-----------------------------------------------------------|----------------|
| 1.             | The period of Remand of the Accused/Surrender             | -              |
| 2.             | Date of filing of the Complaint/Final Report in the Court | 08.01.2015     |
| 3.             | The date of Committal of the case to the court of session | Not applicable |
| 4.             | First Questioning U/S.240 Cr.P.C                          | 01.03.2017     |

|     |                                                                                                                                                                                                          |                                        |            |                  |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------|------------------|
| 5.  | Date of Examination in chief and Cross examination of witness.<br>PW1 Chief and Cross<br>PW2 Chief and Cross<br>PW3 Chief and Cross<br>PW4 Chief and Cross<br>PW5 Chief and Cross<br>PW6 Chief and Cross | Witness                                | Chief      | Cross            |
|     |                                                                                                                                                                                                          | PW1                                    | 16.03.2017 | --<br>27.05.2025 |
|     |                                                                                                                                                                                                          | PW2                                    | 16.03.2017 | --               |
|     |                                                                                                                                                                                                          | PW3                                    | 08.03.2024 | --<br>29.07.2025 |
|     |                                                                                                                                                                                                          | PW4                                    | 05.04.2024 | 05.04.2024       |
|     |                                                                                                                                                                                                          | PW5                                    | 05.04.2024 | 05.04.2024       |
|     |                                                                                                                                                                                                          | PW6                                    | 22.07.2025 | 22.07.2025       |
|     |                                                                                                                                                                                                          |                                        |            |                  |
| 6.  | NBW Issued date                                                                                                                                                                                          | 12.02.2021<br>22.12.2022<br>03.06.2025 |            |                  |
| 7.  | NBW recalled                                                                                                                                                                                             | 29.03.2022<br>02.03.2023<br>10.06.2025 |            |                  |
| 8.  | Questioning U/s.313(i)(b) of Cr.P.C                                                                                                                                                                      | 06.03.2026                             |            |                  |
| 9.  | Details of Abscondence of an accused and his appearance/production                                                                                                                                       | Nil                                    |            |                  |
| 10. | Grant of stay by superior courts and the result there of                                                                                                                                                 | Nil                                    |            |                  |



This case was taken up in this court on 23.08.2016 and finally came up for hearing on 25.05.2026 when the learned counsel level – II (FAC) for the Government and the learned counsel Mr.R.K.Prasanna Venkadeshan, B.Sc., and Mr.M.Nagaraj, B.A., B.L., (M.S.No.2865/2017) were also present and after hearing the arguments of both the parties and perusing the documents, this court delivers the following,

### **Judgment**

1. The Inspector of Police, filed a final report alleging that the accused have caused cruelty to the de facto complainant. Hence, the A1 to A2 were charged under section 498 A of Indian Penal Code.

### **2. COGNIZANCE:**

On the perusal of the charge sheet, this court was satisfied that a prima facie case was made out against the accused. Hence, the court took cognizance of the offence u/s 498 A of Indian Penal Code against A1, A2 and issued summons to accused. The copies of the case records were furnished to the accused free of cost as per section 207 of CrPC on 21.02.2017.

### **3. FRAMING OF CHARGES:**

Upon the perusal of the records, this court was satisfied that there is ground for proceeding against the accused and hence, framed charges section 498 A of Indian Penal Code against A1 and A2 on 01.03.2017. The charges were then read over and explained to the accused. Having understood the charge, accused pleaded not guilty and claimed to be tried. Hence, this court proceeded with the trial of the case.

### **4. PROSECUTION CASE AND THE WITNESSES :**

4.1) The case of the prosecution is that A1 and defacto complainant was married on 05.12.2011 and they lived in joint family along with A2(mother in law). At the time of marriage the defacto complainant's family was demaded by the accused family to give 15 pawns of gold and to bear the expenses for the marriage. However, the defacto complainant's family gave only 12 pawn of gold, Rs 25000/- and household items as dowry. After 2 weeks of marriage A2 started to demanded more dowry. Then when the defacto complainant conceived a baby the A1 and A2 wantedly insisted the defacto complainant to lift heavy weight items in order to cause abortion. Then the A1 and A2 had taken the defacto complainant to a private Hospital and had done abortion without the willingness of the defacto complainant. Then the defacto complainant adjusted to the A2 and was living with her. However,

the brother of the A1 was involved in prostitution. Hence a case was larged against the brother of the A1. Further the A1 did not go to any job. Therefore the defacto complainant and the A1 moved into a nuclear family. In such circumstances the A1 compelled the defacto complainant to do prostitution and earn money. Furthermore, the A1 had open the nozzel of the cyclinder when the defacto complainant was about to work in the kitchen. Due to Frustation the defacto complainant attempt to commit suicide. Fromthen, the defacto complainant and the A1 are living separately. Hence, this case.

4.2) The prosecution in order to prove its case, it has examined about Six witnesses as PW1 to PW6. Ex.P1 to Ex.P3 is marked on behalf of the prosecution side. No material objects were marked. Learned Assistant Public Prosecutor dispensed the examination of the rest of the witnesses. Hence, the prosecution side evidence was closed.

## **5. BRIEF OF THE PROSECUTION SIDE EVIDENCE:**

**5(1). PW1(Malar) is the de facto complainant.** She stated as to the marriage between A1 and her. She also deposed as to the cruelty committed by A1 and A2 against her.

**5(2). PW2(Saravanan) is brother of the de facto complainant.** He stated as to the marriage between A1 and PW1. He also deposed as to the cruelty committed by A1 and A2 against the PW1.

**5(3). PW3 (Arumugam) is the relative of the de facto complainant.** He stated as to the marriage between A1 and PW1.

**5(4). PW4(Jayadevi) is the Police Officer** who enquired the PW1 and A1 in a complaint lodged by PW1, prior to the lodging of complaint in this case.

**5(5). PW5(Subbaiah) is the FIR Register (SSI of Police).** She deposed as to receiving the complaint and registering the FIR.

**5(6) PW6 (Tmt.Manickam) is the Charge sheet and investigation officer ( Inspector of Police).** She stated as to the recording of statements, collection of evidence and filing the charge sheet.

### **6. 313 PROCEEDING:**

After completion of the prosecution evidence, accused was questioned u/s 313(1) (b) of CrPC. Incriminating circumstances were put forth to them. Accused denied the entire prosecution evidence and the incriminating circumstances put forth to them. Since, they stated no witness on their side, the defence side evidence was closed.

## **7. POINTS FOR DETERMINATION:**

1. **Whether the Prosecution has established the ingredients of Section 498A of IPC?**
- 2.
3. **Whether the prosecution has proved the case beyond all reasonable doubt as against the accused?**

## **8. APPRECIATION OF EVIDENCE AND DISCUSSION:**

1. **Whether the Prosecution has established the ingredients of Section 498A of IPC?**

### **8.1.a SECTION 498A IPC:**

Before going into the merits of the case, it is important to understand the scope and ambit of section 498A of IPC, since the main issue in this present case is revolving around an allegation related to cruelty by Huband and relatives of husband and all other series of activities are outcome of the cruelty.

- In order to convict a person under section 498 A of IPC, the following ingredients have to be satisfied:

- viii. There must be a legal marriage.
- ix. The husband or the relative of the husband of a woman, subjects such woman to cruelty.

For the purpose of this section, “cruelty” means—

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

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

- Keeping the above ingredients in mind, let us examine the present facts of case. At this juncture, it is pertinent to note that, the principle of burden of proof is a cornerstone in deciding cases for ensuring that justice is served by determining which party is responsible for proving facts in a legal dispute. It is rooted principle in criminal cases, that an accused is presumed innocent until proven guilty, and the prosecution must establish the accused's guilt beyond reasonable doubt.
- The prosecution in order to prove the marriage between the PW1 and A1, it has examined PW1 to PW3 and the same was also not disputed by the accused. Hence, the first ingredient has been established beyond reasonable doubt without any dispute, as it is an admitted fact.

- The first part of second ingredient, is quite admitted fact that, i.e. A1 is the husband of PW1 and A2 is the mother in law, hence it is also proved.
- The second part of the second ingredient has to be proved beyond reasonable doubt. i.e. The husband or the relative of the husband of a woman, subjects such woman to cruelty.
- For proving the cruelty, the prosecution has examined the PW1 to PW6.

The accused no 1 and 2 were charged Section 498 A of IPC for the alleged offences that A1 and A2 committed cruelty against the PW1.

## **8.2) OFFENCES ALLEGED AGAINST A1 and A2:**

There are five sets of allegations, which are there on the record to drive home the charges u/s 498 A of IPC against A1 and A2. They are:

- i) The A1 and A2 demanded dowry from PW1.
- ii) The A1 and A2 compelled PW1 to abort her baby.
- iii) The A1 was in illicit relationship with the one, namely Manju.
- iv) The A1 compelled the PW1 to do prostitution.
- v) The PW1 attempted to commit suicide due the harassment caused by the A1.

### **8.2.1) Moving into the first allegation, i.e, “The A1 and A2 demanded dowry from PW1”.**

**Coming to the first point i.e the A1 and A2 demanded dowry from the PW1.**

The PW1 has clearly stated that when she was joint family the A1 and A2 demanded more dowry from her. PW1 has clearly deposed that “திருமணத்தின்போது எனக்கு **15** பவுன் நகையும் திருமணச்செலவு முழுவதும் கேட்டனர். என் வீட்டில் **12** பவுன் நகை, **25000** ரூபாய் பணம், வீட்டு உபயோகப்பொருட்கள் கொடுத்தனர். திருமணமாகி என் மாமியார் வீட்டில் கூட்டுக்குடுத்தனமாக **2** மாதம் இருந்தோம். திருமணம் முடிந்து **2** வாரம் கழித்து நாங்கள் கொடுத்த வரதட்சனை போதவில்லை என்றும் நான் கொண்டு வந்த பொருட்கள் போதாது என்று என் மாமியார் குறை கூற ஆரம்பித்துவிட்டார்”. She further deposed that, “அங்கு சென்றதிலிருந்து **1** ம் எதிரி வேலைக்கு எதுவும் செல்லாமல் அவர் வீட்டிற்கு சென்று வந்து என்னிடம் மீண்டும் நகை கேட்க ஆரம்பித்துவிட்டார்”. She also deposed that, “வேலைக்கு செல்லாமல் என் பெற்றோரிடம் தான் பணம் வாங்கி வருகிறேன்”. The learned counsel for the accused contented that the PW1 has herself stated that she was living in joint family only for two months. Hence, in such circumstances there is no necessity for A1 and A2 to demand dowry. However, the court finds that the period of PW1 being living in joint family has no relevancy in deciding the fact as to demand of dowry. Even if PW1 lived only for one day in joint family and a demand for dowry was made it would automatically equated as to demand for dowry. Hence, it is not material to decide whether PW1 lived in joint family for 1 month or 2



month. The PW1 has clearly stated that when she lived in joint family, demand for dowry was made by A1 and A2.

The learned counsel for the accused stated that the no independent witnesses were examined and the other witnesses such as PW2 and PW3 did not support the case of the prosecution. It is true that the PW2 and PW3 did not support the case of prosecution, but that cannot be the reason to dismiss the evidence of PW1 in toto. In cases relating to matrimonial disputes, the victim's evidence is the best evidence, since all the activities occur within four walls. Hence, the court cannot expect independent witnesses to testify as to what happened between the four walls.

***Hence the first allegation against the A1 and A2 is proved beyond reasonable doubt by the prosecution.***

**8.2.2) Moving into the second and the fifth allegation, i.e, The A1 and A2 compelled PW1 to abort her foetus and the PW1 attempted to commit suicide due the harassment caused by the A1.**

The court is inclined to decide both the allegation togetherly, since both the alleged facts are related to medical treatment. The PW1 has stated that the A1 and A2 forced the PW1 to abort her foetus. The PW1 deposed that, “நான் திருமணமாகி கர்ப்பமுற்றவுடன் என் கணவரும், மாமியாரும் குழந்தை

வேண்டாம் என்று கூறி வேண்டுமென்றே என்னை எடை கூடுதலான பொருட்களால் அடிப்பதும், வேண்டாம் என்பதை வேண்டும் என்றே கூறி செய்யச் சொல்லியும், எனக்கு பேய் பிடித்திருப்பதாக கூறி பூஜை செய்தார்கள். பின்னிட்டு தனியார் மருத்துவமனையில் என் விருப்பத்திற்கு மாறாக கருச்சிதைவு செய்தார்கள். பின்பு கோவை குனியமுத்துர் சங்கீதா மருத்துவமனையில் எனக்கு கருச்சிதைவு செய்தார்கள்”. **Furthermore, the PW2 has also stated that “1** ம் எதிரி என் தங்கையை அடித்து துன்புறுத்தி அவர் தூக்க மாத்திரை சாப்பிட்டு மருத்துவமனையில் சேர்க்கப்பட்டபோது அவர் வந்து பார்க்கவில்லை”. However, no medical report was produced to prove that abortion was done to PW1 and as to the treatment taken by her for suicide attempt. Moreover, the investigation officer also failed to collect proper evidence as the above mentioned aspects. When a pleading is put forth as to medical treatment undergone, the court finds it necessary to produce the relevant medical records to decide the fact. In this case in hand, it was merely alleged that the PW1 had taken treatment, but no relevant medical documents was produced. To prove that a medical treatment was taken the prosecution ought to have relied on the medical evidence or atleast efforts must have been taken to produce the medical witness, but in this case the prosecution neither produced medical reports or medical witnesses.

**Hence, the court finds no probable reason to believe that allegations put forth in Point 2 and 5.**

***Hence the second and fifth allegation against the A1 and A2 are not proved beyond reasonable doubt by the prosecution.***

**8.2.3) Moving into the third allegation, i.e, The A1 was in illicit relationship with the one, namely Manju.**

PW1 has alleged that A1 was in illicit relationship with one namely, Manju. However, the said Manju was not investigated and there is nothing in this case, except the name of woman, to prove that A1 was in illicit relationship. Moreover, no proof was led in by the prosecution as to prove the above fact. Furthermore the PW1 omitted to give the statement in her CrPC 161 statement. She has brought in the above fact newly in her chief. However the allegations on the face of it finds no prima facie. They are vague blunt and the court finds no probable reason to believe in it.

***Hence the third allegation against the A1 is not proved beyond reasonable doubt by the prosecution.***

**8.2.4) Moving into the fourth allegation, i.e, The A1 compelled the PW1 to do prostitution.**

The PW1 has clearly stated that, “நகை கொடு இல்லை என்றால் நீயும் அது மாதிரி சம்பாதி என்று கூறி மஞ்சு என்ற பெண்ணிடம் தகாத ஊவு வைத்தார்”. Definetly the act of A1, in compelling the PW1 to do prostitution, would have caused mental cruelty to the PW1. A woman marries a man with a lot of dream in her eyes and her heart. The husband becomes that sole mate to the wife and viseversa. Furthermore, the married woman always expects basic respect from her partner. However, in this case in hand, the A1 has taken up a chance to shake her dignity that a typical woman deserves. The Hon’ble High Court of Allahabad denied bail to a man who has been accused of forcing his wife into prostitution by compelling her to make physical relationships with his friends and other persons.

***In Salman vs. State of U.P 2025 LiveLaw (AB) 2, the Hon’ble Allahabad High Court, has held that “Noting that the allegations against the husband are rare and the prosecution's case was not a simple case of matrimonial dispute between husband and wife, a bench of Justice Sanjay Kumar Singh observed thus:***

This Court is of the view that aforesaid allegation is serious blow to the Supreme honour of the victim and offends her self esteem and dignity. It degrades and humiliates the victim, it leaves behind a traumatic experience, a rapist not only cause physical injuries, but more indelibly leaves a blot on the most cherished possession of a women i.e. dignity, honour and reputation.”

***Hence the Fourth allegation against the A1 is not proved beyond reasonable doubt by the prosecution.***

**Since, the first, third and fourth allegations are proved beyond reasonable doubt, the court finds that the A1 and A2 had committed cruelty against the PW1, which is punishable under section 498 A of IPC.**

**HENCE, THE ALLEGATION UNDER SECTION 498 A OF IPC AGAINST A1 AND A2 ARE PROVED BEYOND REASONABLE DOUBT.**

**9)** The learned counsel for the accused contented that the conviction cannot be ordered only based on the evidence rendered by the Victim, further corroboration is also needed for convicting the accused. In contra, the learned Additional Public Prosecutor argued that the court can very well rely on the evidence of victim to order conviction in matrimonial disputes. ***In Sajudheen & Ors v. Sub Inspector of Police & Anr 2025 LiveLaw (Ker) 440, the Hon'ble High Court of Kerala,*** noted that to prove the acts of cruelty, the prosecution had virtually relied upon the sole evidence of the wife and while considering the question whether the solitary evidence of the wife can form the basis for a conviction in a cases of such nature, the court said:

***"...it is to be noted that, in cases relating to domestic violences, it is not prudent to look for independent corroboration for the evidence of a victim, particularly when the incidents of domestic violence including ill-treatments and***

*harassments often occur within the confines of a house. Therefore, I am of the view that there is nothing wrong in relying on the solitary evidence of PW1 in entering into a conviction, provided the evidence is convincing and reliable. A single act may suffice for a conviction under Section 498-A of IPC, if it is severe enough to meet the legal definition of cruelty".*

However, the learned counsel for the accused contended that the evidence of PW2 and PW3 cannot be relied wholly without scrutiny since they are all the interested witness. However, the learned Additional Public Prosecutor contented that the PW2 and PW3 are hearsay witnesses only to certain aspects.

**9.1)** It is true that PW 2 and PW 3 are the hearsay witness, however the PW2 is the brother of PW1. It's very common in Indian marital system that the daughter in law has to leave the house and family of her own thereby joining the house of her husband. Thereafter, she has to exclude herself from her own home and is defaulted to get herself attached to her husbands family. For year's and centuries Indian women are accomodated to this, so called tradition. The fact in hand is nothing but one of the classic example to the above. The daughter in law leaves her own home, with a belief in her eye that she would be treated right and will be guaranted basic human rights.

**9.2)** However, the situation in certain cases are not the same so. The house she moves into will never be ready accept her as she is. She has to adjust get herself

accommodated into take care his family and that should be her primary duty of all other duties. However, she is been subjected to cruelty by in laws and this is most common reason for dissolution of family.

**9.3)** When the daughter in law is been subjected to cruelty she has no one else to reach out, except her parents. In this case the PW1 has shared the cruelty that she undergone to the PW2. Hence, the court finds no hesitation in accepting the evidence of PW2. It is also true that PW3 witness does not support the case of the prosecution. However, in disputes related to matrimonial matters there is no best evidence other than the victim herself, since most of the incidents occur within the four walls of the matrimonial home.

**9.4)** However, in this case the evidence of PW1 is also corroborated by PW2. The evidence of PW1 is a substantive piece of evidence in this case. Since, the alleged offence is cruelty by act, the court cannot expect for any documentary evidence or eye witness.

**10)** The court finds the evidence of PW1 is very well enough to prove the case of prosecution against A1 and A2 beyond reasonable doubt. The learned counsel for the accused also never cross examined PW1 denying the alleged offences. The learned

counsel for the accused contended that the A1 is the one who filed divorce petition and the PW 1 did not turn up before the court, in the HMOP case. Hence stated that the allegations in this case are nothing but cooked up stories by the PW1 in vengeance. This point of argument has no face value on it. Each and every relief claimed in every petition will be different. Apparently, each petition will be drafted in its unique form so as it suffices the prayed sought for. The mere allegation that PW1 did not contest the HMOP case, cannot make the prosecution case fatal, when the evidences rendered by the PW1 is cogent and has probable reason to believe. Hence, the court finds that the above argument cannot be considered.

**10.1)** It was also argued by the learned counsel for the accused that, the PW1 married another person, even before the divorce was granted. However, no specific dates were put forth by the learned counsel for the accused at the time of cross examination, as to the date of second marriage of PW1. It was further stated that she is leading a happy life and the accused had gone through tough phase due to the pendency of the case. This point of arguments has no relevancy to this case.

**10.2)** However, the fact alleged as to A1 forcing the PW1 to do prostitution is the most indigestible and unacceptable part of this case in hand. It seems to a form of extreme extremism. The provision 498 A of IPC not only speaks about physical cruelty but it also speaks about mental cruelty. The Thirukural says, “தீயினாற்



சுட்டபுண் உள்ளாறும் ஆறாதே நாவினாற் சுட்ட வடு". It is most apt explanation as to why the term mental cruelty is included under section 498 A of IPC. The court finds that the forcing a wife to do prostitution also amounts to mental cruelty.

*However, coming to the aid of a daughter-in-law in the case of Meera v. State 2022 SCC OnLine SC 31 relating to mother-in-law treating daughter-in-law with cruelty, the Hon'ble Supreme Court held that "when an offence has been committed by a woman by meting out cruelty to another woman, i.e., the daughter-in-law, it becomes a more serious offence." It further added that woman meting out cruelty to another woman deserves no leniency. Mother-in-law must protect daughter-in-law, not harass her.*

**HENCE, THE ALLEGATION UNDER SECTION 498 A OF IPC AGAINST A1 and A2 ARE PROVED BEYOND REASONABLE DOUBT.**

**11) Whether the prosecution has proved the case beyond all reasonable doubt as against the accused?**

Since in matters of cruelty under section 489A IPC are related to matrimonial home and most of the incidents happens between the four walls, most of witnesses will be related to each other by birth or marriage. On the same line, most of incidents in this case are matrimonial in nature and eventually, there is no possibility to bring

in any independent witness. Therefore, on careful analysis and scrutiny of their evidence, the version given by the PW1 appears to be clear, cogent and credible and the court finds no reason to discard the same.

Therefore, it is been clearly established that, the A1 and A2 has caused mental cruelty to PW1 and thereby committed an offence punishable under section 498A and the same is proved beyond the reasonable doubt and the prosecution has fully discharged its burden to prove the case against the A1 and A2, beyond any reasonable doubt which remained unrebutted by the Accused. Hence, from the above discussions, it could be seen that all the ingredients of the offence by the A1 and A2 u/s 498A were established by the prosecution.

The court has scrupulously examined the facts and circumstances of the case and also assessed the evidence adduced before it, and it has found that cruelty has been meted out to the PW1 by A1 and A2, which is punishable under section 498A of IPC.

## **12. HEARING ON QUESTION OF SENTENCE:**

The Prosecution and the defense side were heard on the question of sentence. The Prosecution prayed for strict punishment whereas accused prayed for leniency in the sentence. Accused 1 and 2 prayed before the court that it is a false case. The

learned counsel for the A2 prayed that the A2 is suffering from several medical complications and she is roped in the case with false allegations. But, other than the aforesaid statement no effective mitigating circumstance has been put forth by him or his defense counsel to consider leniency on the A1. However, with respect to A2 the court finds that she is old age woman, first offence and suffering from various medical ailments, hence, considering the facts and circumstance and the court feels that the imposition of fine and lesser imprisonment would meet the ends of justice. However, with respect to A1 on considering the grave nature of the offence, this Court feels that imposition of the fine and the sentence would meet the ends of justice in this case.

### **13. DECISION:**

In the result, the A1 and A2 are found guilty of offence u/s 498(A) of IPC and they stands convicted for the aforesaid accusations as per section 271(2) of BNSS.

(i) The A1 is sentenced to undergo simple imprisonment for a term of 6 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

The A1 shall be liable to undergo additional imprisonment of 3 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

ii) The A2 is sentenced to undergo simple imprisonment for a term of 3 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

The A2 shall be liable to undergo additional imprisonment of 2 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

The sentenced imposed shall run concurrently.

**Hence, Total fine amount of ₹5,000 (Rupees Ten Thousand Only) is imposed against the A1 and Total fine amount of ₹5,000 (Rupees Five Thousand Only) is imposed against the A2. since they were found not guilty for the alleged offences and they are acquitted from their charges levied against them.**

**14.** No property has been recovered in this case. Hence, there is no order as to such property.

Dictated by me to the Typist and typed by him in my presence and corrected and pronounced by me in the open court on 25 day of May 2026.

**(Sd/-N.G.Sindhu)**  
Judicial Magistrate,  
Additional Mahila Court,  
Coimbatore.

**Appendix:**

**Prosecution Witness :**

| <b>Witness No</b> | <b>Name of the Prosecution Witness</b> | <b>Date of first enquiry</b> | <b>Date of cross examination</b> |
|-------------------|----------------------------------------|------------------------------|----------------------------------|
| P.W.1             | Malar                                  | 16.03.2017                   | --<br>27.05.2025                 |
| P.W.2             | Saravanan                              | 16.03.2017                   | --                               |
| P.W.3             | Arumugam                               | 08.03.2024                   | --<br>29.07.2025                 |
| P.W.4             | Jayadevi                               | 05.04.2024                   | 05.04.2024                       |
| P.W.5             | Subbaiah                               | 05.04.2024                   | 05.04.2024                       |
| P.W.6             | Manickam                               | 22.07.2025                   | 22.07.2025                       |

**Prosecution side documents :**

Ex. P1 - Complaint

Ex. P2 - மனுவிசாரணையின் போது இரு தரப்பினரும் எழுதிக்கொடுத்த  
ஆவணம் மற்றும் விசாரணை முடிக்கப்பட்டதற்கான உத்தரவு நகல்

Ex. P3 - FIR

**Material evidence of Prosecution : No****Accused side witness : No****Defense side documents : No****Notes :**

1. The accused were on bail during the pronouncement of Judgment.
2. Nature of the disposal communicated to the concerned police.
3. No witnesses were called more than 3 times.
4. At the time of pronouncement A1 and A2 are present before the court.

**(Sd/-N.G.Sindhu)**  
Judicial Magistrate,  
Additional Mahila Court,  
Coimbatore.

//True Copy//

Judicial Magistrate,  
Additional Mahila Court,  
Coimbatore.

**Judicial Form No.61 & Rule 106 of Cr.P.C**

(See Rule 106)

IN THE COURT OF THE JUDICIAL MAGISTRATE, COIMBATORE

JUDGMENT IN SESSIONS / CALENDAR CASE No.27/2016

Complainant – The Inspector of Police, Kuniyamuthur Police Station  
Coimbatore.

Accused – A1. Prabhu (32) S/o.Myilsubramaniam,  
A2. Lalitha (49) W/o.Myilsubramaniam,

Offence – U/s.498(A) IPC.

Finding – எதிரிகள் மீது U/s.498(A) IPC.

Sentence – முடிவில், In the result, the A1 and A2 are found guilty of offence u/s 498(A) of IPC and they stands convicted for the aforesaid accusations as per section 271(2) of BNSS.

(i) The A1 is sentenced to undergo simple imprisonment for a term of 6 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC. The A1 shall be liable to undergo additional imprisonment of 3 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

ii) The A2 is sentenced to undergo simple imprisonment for a term of 3 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC. The A2 shall be liable to undergo additional imprisonment of 2 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.

The sentenced imposed shall run concurrently.

**Hence, Total fine amount of ₹5,000 (Rupees Ten Thousand Only) is imposed against the A1 and Total fine amount of ₹5,000 (Rupees Five Thousand Only) is imposed against the A2. since they were found not guilty for the alleged offences and they are acquitted from their charges levied against them.**

| S.No | Name of the P.S & Cr.No. | Description of the accused |               |               |            |           |     |
|------|--------------------------|----------------------------|---------------|---------------|------------|-----------|-----|
|      |                          | Name                       | Father's name | Caste or race | Occupation | Residence | Age |
| (1)  | (2)                      | (3)                        | (4)           | (5)           | (6)        | (7)       | (8) |

|    |                                               |                                                            |                                                  |                    |            |                              |              |
|----|-----------------------------------------------|------------------------------------------------------------|--------------------------------------------------|--------------------|------------|------------------------------|--------------|
| 1, | Kuniyam<br>uthur PS<br>Cr.No.<br>792/201<br>4 | A1. Prabhu (32)<br>S/o.<br><br>A2.<br>Lalitha (49)<br>W/o. | Myilsubrama<br>niam,<br><br>Myilsubrama<br>niam, | Hindu<br><br>Hindu | -<br><br>- | Coimbatore<br><br>Coimbatore | 32<br><br>49 |
|----|-----------------------------------------------|------------------------------------------------------------|--------------------------------------------------|--------------------|------------|------------------------------|--------------|

| Date           |               |                  |                       |                    |                              |                      |                          |                                                                         | Expl<br>anat<br>ion<br>of<br>dela<br>y |
|----------------|---------------|------------------|-----------------------|--------------------|------------------------------|----------------------|--------------------------|-------------------------------------------------------------------------|----------------------------------------|
| Occurrenc<br>e | Complain<br>t | Appre<br>hension | Release<br>on<br>bail | Comm<br>it<br>ment | Commenc<br>ement<br>of trail | Close<br>of<br>trail | Senten<br>ce or<br>order | Service<br>of copy<br>of<br>judgmen<br>t or<br>finding<br>on<br>accused |                                        |
| (9)            | (10)          | (11)             | (12)                  | (13)               | (14)                         | (15)                 | (16)                     | (17)                                                                    | (18)                                   |
| 498(A)<br>IPC  | 28.10.14      | -                | -                     | -                  | 01.03.17                     | 06.03.<br>2026       | 25.05.<br>2026           |                                                                         |                                        |

Judicial Magistrate,  
Additional Mahila Court,  
Coimbatore.



**JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,  
COIMBATORE. CALENDER AND JUDGMENT**

**As per Rule 270 of C.R.P. Only for Calender Case**

|                                                                                          |                                         |                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.                                                                                       | Calendar Case No                        | CC - 27/2016                                                                                                                                                                                                                                                                                                                                      |
| 2.                                                                                       | Nature of offence (with section of law) | U/s. 498(A) IPC                                                                                                                                                                                                                                                                                                                                   |
| 3.                                                                                       | Police Station & Crime No               | Kuniyamuthur Police Station Cr.No. 792/2014                                                                                                                                                                                                                                                                                                       |
| 4.                                                                                       | Name of the Accused                     |                                                                                                                                                                                                                                                                                                                                                   |
| A1. Prabhu (32) S/o.Myilsubramaniam, D.No.9A, Ponasari Street, Kuniyamuthur, Coimbatore. |                                         |                                                                                                                                                                                                                                                                                                                                                   |
| A2. Lalitha (49) W/o.Myilsubramaniam,D.No.9A, Ponasari Street, Kuniyamuthur, Coimbatore. |                                         |                                                                                                                                                                                                                                                                                                                                                   |
| 5.                                                                                       | Caste                                   | Christian                                                                                                                                                                                                                                                                                                                                         |
| 6.                                                                                       | Age                                     | 1st accused 32/2016, 2nd accused 49/2016                                                                                                                                                                                                                                                                                                          |
| 7.                                                                                       | Date of offence                         | 05.12.2011 ( திருமணமான 1 மாதம் முதல்)                                                                                                                                                                                                                                                                                                             |
| 7.                                                                                       | Date of FIR                             | 28.10.2014                                                                                                                                                                                                                                                                                                                                        |
| 8.                                                                                       | Date of filing                          | 23.08.2016                                                                                                                                                                                                                                                                                                                                        |
| 9.                                                                                       | Date of apprehension                    | --                                                                                                                                                                                                                                                                                                                                                |
| 10.                                                                                      | Commencement of trial                   | 01.03.2017                                                                                                                                                                                                                                                                                                                                        |
| 11.                                                                                      | Close of trial                          | 06.03.2026                                                                                                                                                                                                                                                                                                                                        |
| 12.                                                                                      | Date of judgment                        | 25.05.2025                                                                                                                                                                                                                                                                                                                                        |
| 13.                                                                                      | Verdict and sentence                    | <p>In the result, the A1 and A2 are found guilty of offence u/s 498(A) of IPC and they stands convicted for the aforesaid accusations as per section 271(2) of BNSS.</p> <p>(i) The A1 is sentenced to undergo simple imprisonment for a term of 6 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s</p> |

|     |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                      | <p>498(A) of IPC. The A1 shall be liable to undergo additional imprisonment of 3 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>ii) The A2 is sentenced to undergo simple imprisonment for a term of 3 Months and to pay a fine amount of ₹ 5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC. The A2 shall be liable to undergo additional imprisonment of 2 weeks in default of payment of fine of Rs.5,000 (Rupees Five Thousand Only) for the offence u/s 498(A) of IPC.</p> <p>The sentenced imposed shall run concurrently.</p> <p><b>Hence, Total fine amount of ₹5,000 (Rupees Ten Thousand Only) is imposed against the A1 and Total fine amount of ₹5,000 (Rupees Five Thousand Only) is imposed against the A2. since they were found not guilty for the alleged offences and they are acquitted from their charges levied against them.</b></p> |
| 14. | Explanation of delay | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 15. | Remarks              | -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

Judicial Magistrate,  
Additional Mahila Court,  
Coimbatore.