

**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF / JUDICIAL
MAGISTRATE, SANKARANKOVIL**

Present: Selvi. Pavithra G, LL.M.,

Additional District Munsif / Judicial Magistrate,

Sankarankovil

Dated Saturday, the 7th day of March 2026

Calendar Case No. 170/2024

CNR No.TNTS08 – 000452 -2024

The State represented by

The Sub-Inspector of Police,

Sankarankovil All Women Police Station (Crime No.20/2014)

... Complainant

//Vs//

1. Arun Amalin, (aged 35/2014)

S/o. Jeganathan (a) James

5/2A, Lakshmiyapuram 5th street,

Sankarankovil

2. Jeganathan (a) James (aged 65/2014)

S/o.Subiramanian,

Vadamalapuram village.

3. Arasi, (aged 60/2014)

W/o. Jeganathan (a) James

Lakshmiyapuram 5th street,

Sankarankovil

4. Maheshwari, (aged 35/2014)

W/o. Jeganathan (a) James

Vadamalapuram village

5.Sukirtha Bharathi, (aged 29/2014)

S/o. Jeganathan (a) James

Lakshmiyapuram 5th street,

Sankarankovil

... Accused A1 to A5

1.	Case Number	CC No.170/2024	
2.	Name of the Police Station and Crime Number	All Women Police station Sankarankovil Crime No.20/2014	
3.	Name of the Accused	A1 – Arun Amalin A2 – Jeganathan A3 -Arasi A4 – Maheshwari A5 – Sukirtha Bharathi	
4.	Date of Occurrence	28.12.2014	
5.	Date of Complaint	31.12.2014	
6.	Date of Arrest	--	
7.	Period of remand	--	
8.	Date of release on bail	A1 to A5 – 09.01.2015 (Anticipatory bail)	
9.	Date of filing final report	24.03.2016	
10.	Date of Commencement of trial	25.05.2018	
11.	Date of Chief examination	PW1	27.07.2023
		PW2	27.07.2023
		PW3	14.12.2023
		PW4	29.08.2024
		PW5	29.08.2024
		PW6	27.06.2025

		PW7	27.06.2025
		PW8	22.08.2025
12.	Date of Cross examination	PW1	19.10.2023
		PW2	14.12.2023
		PW3	14.12.2023
		PW4	29.08.2024
		PW5	29.08.2024
		PW6	27.06.2025
		PW7	27.06.2025
		PW8	22.08.2025
13.	Date of Conclusion of trial	10.10.2025	
14.	Plea of the accused	Not guilty	
15.	Finding of the Court	A1 to A5 are not found not guilty for the offences u/s.498(A), 294(b), 506(1), 406 IPC and 4 of TNPWH Act, 4 of Dowry Prohibition Act and are acquitted u/s. 248(1) of Cr.P.C.	

This case came up for a final hearing on 06.02.2026 in the presence of Thiru.S.Bharaneendhar, Assistant Public Prosecutor Gr.I representing the State, and Advocate Thiru.S.Pushparaj, representing the Accused A1 to A5. After hearing

both side arguments and perusing the documents and having stood over for consideration till this day, this Court pronounced the following:

JUDGMENT

1. The Sub-Inspector of Police, Sankarankovil All Women Police Station had filed a final report alleging that A1 is husband of LW1 – Santha devi; that A2 is father in law of LW1; that A3, A4 are mother in law of LW1 and that A5 is brother in law of LW1. During the marital preparation between LW1 and A1, LW1's family gave 35 sovereign of gold jewels, 2 lakh rupees. On 08.12.2008, marriage between LW1 and A1 happened. Since the day of wedding (i.e.) since 08.12.2008, the accused A1 to A5 seeked for additional dowry amount of Rs. 5 lakhs from LW1 and treated LW1 cruelly for that purpose. On 28.12.2014, at 4.40 p.m., the accused A1 to A5 went to the house (where LW1 resides) which is situated in Sankarankovil Lakshmiyapuram 5th street and uttered the filthy words “தேவடியா மவளே” towards LW1 and threatened LW1 by uttering the words “நாங்கள் சொல்வது போல பணம் ரூபாய் ஐந்து லட்சம் கொடு, இல்லையெனா உன்னை வாழவிடாம கொள்ளை புடுவோம்”. When LW2 and LW3 asked the accused A1 to A5 to return the amount and jewels they had given, the accused had stated that they did not have such amount or jewels and committed criminal breach of trust. A1 to A5 thereby had harassed LW1 in public place and caused great insult to her, for the purpose of demanding dowry. Hence, the accused A1 to A5 were charged for the offences u/s. 498A, 294(b), 406, 506(1) of Indian Penal Code, 1860 (Hereinafter IPC) and S. 4 of Dowry Prohibition Act (Hereinafter DP Act).

2. Cognizance:

On perusal of the charge sheet, this Court was satisfied that a prima facie case was made out against the accused A1 to A5. Hence, this Court took cognizance of the offences u/s. 498A, 294(b), 406, 506(1) of IPC and S. 4 of DP Act as against the accused A1 to A5 and issued summons to A1 to A5. Copies of the records was furnished to the accused A1 to A5, free of cost.

3. Framing of Charges:

On perusal of the records, this Court was satisfied that there is ground for proceeding against the accused A1 to A5. Hence, this Court framed charges for the offences u/s. 498A, 294(b), 406, 506(1) of IPC and S. 4 of Dowry Prohibition Act as against A1 to A5. Having understood the charges, the accused A1 to A5 pleaded not guilty and claimed to be tried. Hence, this Court proceeded with trial of the case.

4. Prosecution Witnesses:

In order to prove its case, the Prosecution examined about 8 witnesses as PW1 to PW8. Ex.P.1 and Ex.P.2 were marked on behalf of the prosecution side. No material objects were marked. The Learned Assistant Public Prosecutor dispensed with the examination of the rest of the witnesses. Hence, the prosecution side evidence was closed.

5. Brief of the Prosecution side evidence:

i) PW1 – Santha devi deposed in her chief examination that the accused is her husband; that 2nd accused Jeganathan is her father in law; that 3rd accused Arasi is her mother in law; that 4th accused is her father in law's second wife and that 5th

accused is her husband's brother. On 08.12.2008, marriage happened between PW1 and her husband. After the marriage, PW1 lived with her husband as joint family in Gomathiapuram 1st street. PW1 then stated that her husband used to often talk to his relative Amsaveni at night time. When PW1 stated the same to her father in law and mother in law, they stated that that's how they would be. After baby shower, PW1 went to her mother's house. Then, PW1's husband contacted Amsaveni frequently. When PW1 fought with her husband regarding the same, her husband had hit PW1's face in her mother and father's house. When PW1's father and mother stated to the 1st accused that they married off PW1 to him only on believing him, the accused stated that he would not hereinafter do so. In 2009, a son was born to PW1. After the same, PW1's husband relation with Amsaveni stopped. In 2011, PW1's husband got into a relationship with a woman named Bercis Thomas. After formation of the said relationship, PW1's husband drank a lot. PW1's husband used to go out with Bercis Thomas for 2 times a month. When PW1 stated regarding the same to her in – laws, they had stated that it was ordinary in their family; that PW1's husband was a government servant and asked PW1 to adjust. When PW1's husband started going out with Bercis Thomas once a week, PW1 stated regarding the same to her mother in law, for which, the mother in law had stated that she was in government job and that she is to get wedded to PW1's husband. PW1's mother in law then asked PW1 to get Rs. 5 lakhs for the purpose of getting her a job. PW1's father and mother had already given 35 sovereigns of gold and 2 lakh rupees. The said 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him. When PW1 again spoke regarding her life to her mother in law, the mother in law had stated to PW1 not to speak about her life here and asked PW1 to speak to her father and mother or

to get money from her father, mother. Then, PW1 went to her mother and father's house along with her child. Then, PW1 did not have any contact with the accused. When PW1 tried to contact the accused, his phone was switched off. When PW1 tried to compromise through elders, the accused refused to talk with her. PW1 then deposed that she received information from her relative that in 2013 september month, A1 married Bercis Thomas. On 28.12.2014, at 4.00 p.m., when PW1 was in her mother and father's house which is situated at Paampukovil santhai, all the accused came there and uttered the filthy words "தேவிடியா நீ இன்னும் உயிருடன் தான் இருக்கிறாயா, உன்னை பணம் வாங்கிட்டு தானே வரச் சொன்னோம்" towards her. They then attempted to hit PW1. Then, neighbours came there. When the accused were leaving, they uttered the threatening words "உன் உயிர் என் கையில தான்" towards PW1. On the next day, PW1 along with her parents went to Sankarankovil All Women Police station and gave a complaint for action to be taken against the accused. PW1 then admitted that signature in complaint was her signature. Complaint was marked as Ex.P.1. PW1 also deposed that police investigated her.

ii) PW2 – Arulraj deposed in his chief examination that PW1 is his daughter; that A1 is his son in law; that A2, A3 are his daughter's in laws; that A4 is the second wife of A2; that A5 is A1's brother. On 08.12.2008, marriage between PW1 and A1 in Vaishnavi mahal. The marriage was arranged by elders. 35 sovereign of gold jewels and 2 lakh rupees were given. After marriage, PW1 lived with the accused in Sankarankovil. At that time, PW2 was working in Hyderabad. In Sankarankovil N.G.O colony, PW1 was living in a nuclear family set up (தனி குடித்தனம்). Then, PW1 came to house in Paampukovil for her pregnancy delivery. After birth of child, they lived in Sankarankovil N.G.O colony. At that

time, PW2 was working in Hyderabad. PW2 then deposed that PW1 contacted him through phone and stated that during week leave days, her husband does not stay at home. Initially, the accused asked for Rs. 5 lakh rupees and harassed her. PW2 then deposed that there was another problem; that he talked through his relative; that the accused did not pay heed to his words and that the accused stated that they were going to marry Bercis Thomas and asked us to stay away. In 2012 July month, PW2's daughter asked PW2's son Jeyshankar asked to be taken home while stating that the family condition was not good. PW2 further deposed that he received information in 2014 that A1 is about to marry Bercis Thomas and that A1 and Bercis Thomas were loitering around here and there. PW2 then deposed that till December month of 2014, the accused did not contact PW2 and that they came to Paampukovil for the purpose of talking to the accused. PW2 further stated that when PW2 was not in the house and when PW1 and PW2's wife were in the house, all the accused came there and threatened PW1 and that he received information regarding the same. PW2 then deposed that on the next day (i.e.) on 29.12.2014, they along with PW1 gave complaint in Sankarankovil All Women Police station. PW2 then stated that his daughter took some jewels with her and that PW1 had taken about 20 sovereigns of gold jewels with her. PW2 also deposed that police investigated him in this regard.

iii) PW3 – Murugan deposed in his chief examination that PW1 is his sister's daughter; that A1 is PW1's husband; that the other accused are relatives of A1. In 2008, marriage happened between PW1 and A1. Then, child was born to PW1. Dispute arose between PW1 and her husband. PW1 stayed in her husband's house for 4 years. PW3 then deposed that when PW1 came to his house, she had stated to PW3's wife that the accused family were asking for money from her and

that PW1 did not state as to how much money they were demanding. PW3 then deposed that he did not know any other thing. PW3 also deposed that police did not investigate him.

iv) PW4 – Saantha kumar deposed in his chief examination that PW1 is his sister's daughter; that he knew A1 and other accused. PW4 then deposed that about 17 years ago, A1 James was already working as VAO in their village; that A1 asked for PW1's hand in marriage through PW4's brother Pechiappan. Engagement occurred in PW1's uncle's house which is situated in Paampukovil. PW4 then deposed that he was informed that during the engagement, 35 sovereigns of gold jewels and 2 lakh rupees were accepted to be given as dowry and that he did not know as to how much money and how much jewels were given at the time of marriage. Next day after engagement, marriage between PW1 and A1 was conducted in a marriage hall in Sankarankovil. PW4 further deposed that he got information that about 2 years after, dowry problem ensued and that he was asked to come for talking with the accused. However, PW4 did not go to the same. But, the accused came to Paampukovil for continuing the talk. A1 and PW1 have a son named Devaprasath. PW4 then deposed that he did not know the result of the talk. After the completion of talk, PW1 and A1 did not live together. PW4 further deposed that he did not know the reason for which PW1 and A1 got separated; that he did not know any other thing about the case and that police did not investigate him.

v) PW5 – Poovaiaya deposed in his chief examination that PW1 is his aunt's daughter (சிறித்தி டகள்); that he knew all the accused. PW5 then deposed that about 15, 16 years ago, engagement of PW1 and A1 occurred in PW1's grandfather's

house. PW5 also participated in the said engagement. In the said engagement, the accused's family demanded 35 sovereigns of gold and 2 lakh rupees as dowry. In accordance with the said demand, PW1's father Arulraj gave the jewel and money during marriage, which happened the next day after marriage. PW5 then deposed that he also participated in the marriage. Reception was held in another hall in Sankarankovil. PW5 then deposed that he did not see as to how much jewels and money was given at the time of marriage; that cot, beeroh, mattress, fridge, brass vessels and house hold utensils for the value of Rs.40,000 were given as dowry and that he was the one who had delivered the dowry items to accused's house. After the marriage, PW1 and A1 lived together for about 3 years and they bore a son. After the marriage, A1 and PW1 lived in A1's house which is situated in Sankarankovil. Then, due to dispute, both PW1 and A1 separated. PW5 then deposed that he did not know reason for the said dispute. PW5 also deposed that the dispute resulted due to the accused's contact with another lady. So, A1 hit and threw PW1 out of the house. Then, PW1 came to her parent's house. After 10 days, they conducted the talk in A1's house which is situated in Sankarankovil NGO colony. In the said talk, A1 alone participated. A1's father refused to participate in the same and stated that they could do whatever they think to do so. During the talking session, A1 asked to let some days pass and that he would see after that. Then, PW1 went to Chennai. PW5 further deposed that he did not know as to what happened in Chennai. A1 married another woman. PW5 then deposed that he did not know name of the woman whom A1 married. PW5 also deposed that police did not investigate him.

vi) PW6 – Jaishankar deposed in his chief examination that PW1 is his sister and that he knew the accused. On 08.12.2008, marriage between PW1 and A1

happened in Sankarankovil big temple and reception was held in a hall which is situated in Sankarankovil Railway feeder road. At the time of marriage, about 35 sovereigns of gold jewels, 2 lakh rupees and remaining dowry things were sent in 407 vehicle for the value of Rs. 5 lakhs and in a small vehicle. After completion of marriage, PW1 resided with A1, his mother in Sankarankovil 5th house line. After 6 months, A1 and PW1 resided in a house which is situated at Sankarankovil NGO Colony. PW1 is a M.A. B.Ed. graduate. At that time, PW1 was studying. PW1's father in law Jeganathan asked PW1 to get Rs. 5 lakhs for the purpose of getting a job for her. For the same, PW1 stated that she was studying and asked them to wait. However, all the 5 accused harassed PW1 to bring Rs. 5 lakhs. PW1 did not inform about the same to her family thinking that her family would feel bad for her. Then, the accused failed to buy things necessary for the house and in such circumstances, PW1 noticed the accused talking to another lady about 2 -3 times in phone. A1 used to state that he was going out of station and go outside. In such circumstances, PW1 who could not maintain her child, told all the happenings to her family. In 2012, PW1 had taken her daily wear jewels, dresses and books and came to their house which is situated at Paampukovil santhai. On that day, PW6's father Arulraj was working in National police academy in Hyderabad. There PW1 and her son were taken away by PW1's father and after that, PW1 lived with her father for 1 – 1 ½ years. PW6 then deposed that they got information that in 2013, A1 got married to Bercis Thomas and that they have been thinking that it is possible. In 2014, on receiving information that A1 had a child, PW2 brought PW1 to Paampukovil santhai. At that time, they were investigating regarding the marriage of A2 with A1. In 2014, one day, A1 and his family members came to their house in Paampukovilsanthai and asked PW1 to give divorce to A1 and asked

as to why they were investigating. On hearing the noise, relatives came there and on seeing them, the accused took their vehicle and ran away. Then, PW1 gave a complaint in Sankarankovil All Women Police station. PW6 also deposed that police investigated him in this regard.

vii) PW7 – Chinnathaai deposed in her chief examination that PW1 is her brother's daughter and that she knew the accused. PW7 then deposed that she received information that A1 and PW1 married in Sankarankovil. PW7 then deposed that lots of jewels and dowry items were given and that a small dispute arose after birth of child. PW7 further deposed that she did not know as to what fight ensued between A1 and PW1 and that she knew that dispute arose between PW1 and the accused in house which is situated at Paampukovil. PW7 then deposed that she did not know as to what dispute arose between them; that about 2 years ago, PW1 went to their house in Paampukovil for the purpose of delivering a child; that she did not know as to what dispute arose between them; that she did not know any other information about the case and that police investigated her in Paampukovil.

viii) PW8 – Meenaal deposed in her chief examination that she was the investigation officer in this case; that SI Sudha who filed FIR in this case had been transferred to other district; that PW8 knows signature of SI Sudha; that PW8 deposes in this case for herself and for SI Sudha. On 31.12.2014, at 12.00 hrs., when SI Sudha was in station duty, she received the complaint from Saantha Devi and registered FIR with crime no. 20/2014 u/s. 498A, 294(b), 406 and 506(1) of IPC, S.4 of TNPHW Act and S. 4 of Dowry Prohibition Act. First Information report was marked as Ex.P.2. Original complaint and FIR were sent to Court and its

one copy was kept for her perusal. On 31.12.2014, PW8 took up the case for investigation, investigated Saantha devi and police officer Sudha, who filed FIR and recorded their statement. On 01.01.2015, PW8 investigated and recorded statements of witnesses, namely, Arulraj, Jeyasankar, Murugan, Saanthakumar, Chinnathaai, Poovaiya. Since the accused had obtained anticipatory bail, they were not arrested. After completion of investigation, final report u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act, as against the accused.

6. Proceedings u/s. 313 of Cr.P.C.:

After the completion of prosecution evidence, accused A1 to A5 were questioned u/s. 313 of Cr.P.C. about incriminating evidences against them and they denied it. No Oral evidence was adduced by the defence side. Ex.D.1 was marked during cross examination of PW1. Defence side evidence was closed.

7. Point for determination:

On hearing both side arguments and perusing the documents and records, the questions that arises for consideration are:

Whether the Prosecution has proved the allegations u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act as against A1 to A5 beyond all reasonable doubts?

8. Appreciation of Evidence and Observations of the Court:

8.1. Learned Counsel for Accused submitted written arguments. Both side arguments were heard and records were perused. Before looking into the point for consideration, it is pertinent to note that the burden to prove allegations against the

accused beyond all reasonable doubts lies on the prosecution as u/s. 101 of Indian Evidence Act, 1872.

8.2. The Case of the prosecution is that during the marital preparation between PW1 and A1, PW1's family gave 35 sovereign of gold jewels, 2 lakh rupees; that on 08.12.2008, marriage between PW1 and A1 happened; that since the day of wedding (i.e.) since 08.12.2008, the accused A1 to A5 seeked for additional dowry amount of Rs. 5 lakhs from PW1 and treated PW1 cruelly for that purpose; that on 28.12.2014, at 4.40 p.m., the accused A1 to A5 went to the house (where PW1 resides) which is situated in Sankarankovil Lakshmiyapuram 5th street and uttered the filthy words "தேவடியா மவளே" towards PW1 and threatened PW1 by uttering the words "நாங்கள் சொல்வது போல பணம் ரூபாய் ஐந்து லட்சம் கொடு, இல்லையெனா உன்னை வாழவிடாம கொள்ளே புடுவோம்"; that when PW2 and PW6 asked the accused A1 to A5 to return the amount and jewels they had given, the accused had stated that they did not have such amount or jewels and committed criminal breach of trust; that A1 to A5 thereby had harassed PW1 in public place and caused great insult to her, for the purpose of demanding dowry. Hence, in this case, charges under sections u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act were framed against A1 to A5. It is now the burden of proof of prosecution to prove that the accused A1 to A5 had committed the aforesaid offences charged against them.

8.3. In Ex.P.1 and Ex.P.2., date and time of occurrence of offence has been mentioned that 28.12.2014 at 16.40 hrs. In Ex.P.1 and Ex.P.2., it has been mentioned that complaint petition was received and FIR was registered on

31.12.2014 at 12.00 hrs. On analysis of the aforementioned facts, this Court is of the view that there was delay in filing of complaint. However, reason for such delay in filing of complaint has not been adduced in the said complaint. Hence, this Court is of the view that delay in filing of complaint remains unexplained.

8.4. On the prosecution side, PW1 to PW8 have been examined. Ex.P.1 and Ex.P.2 were marked on prosecution side. Ex.D.1 was marked on the Accused side. PW1 is the defacto complainant and alleged victim. PW2 is eye witness. PW3 to PW6 are hearsay witnesses to the incident. PW8 is the investigation officer witness.

8.5. This Court will now look into the charges framed against the accused A1 to A5 individually as follows:

A) Charge u/s. 294(b) of IPC:

8.6. The essential ingredients to establish the accusation u/s. 294(b) of IPC are: i) uttering obscene words, ii) in or near any public place, iii) such utterance should have caused annoyance to the public.

8.7. In final report, it has been mentioned that 28.12.2014, at 4.40 p.m., the accused A1 to A5 went to the house (where PW1 resides) which is situated in Sankarankovil Lakshmiyapuram 5th street and uttered the filthy words “தேவடியா மவளே” towards PW1. In Ex.P.1 and Ex.P.2., it has been mentioned that on 28.12.2014, at 4.40 p.m., when PW1 was in the house, A1 to A5 trespassed into the house and uttered the filthy words “ஏண்டி தேவடியா நாங்கள் சொல்வது போல் பணம் வரதட்சணையாக கொடு, இல்லையெனில் நாங்கள் வேறு ஒரு திருமணம் செய்து வைக்க போகிறோம்” towards PW1. In this regard, PW1 has

deposed in her chief examination that on 28.12.2014 at 4.00 p.m., when PW1 was in her parents house which is situated in Paampukovil santhai, all the accused came to the house and uttered the filthy words “தேவிடியா நீ இன்னும் உயிருடன் தான் இருக்கிறாயா, உன்னை பணம் வாங்கிட்டு தானே வரச் சொன்னோம்” towards PW1. On perusal of testimony of PW1 in light of final report, this Court is of the opinion that there is material discrepancy with regards to place of occurrence of the alleged offence. In this regard, on perusal of Ex.P.1 and Ex.P.2, this Court finds that there is no mention regarding the location of the house where the alleged offence was committed by the accused. There is no mention whether the house is situated in Sankarankovil Lakshmiyapuram 5th street (as given in final report) or whether the said house is situated in Paampukovil santhai (as deposed by PW1). In this regard, PW2 has deposed in his chief examination that he was informed that on 28.12.2014, when PW2 was in not in the house, all the accused came to the house and threatened his daughter (PW1). However, there is no mention as whether the whether the house is situated in Sankarankovil Lakshmiyapuram 5th street or whether the said house is situated in Paampukovil santhai, in PW2’s testimony and PW2 has also not mentioned anything obscene words alleged to have been uttered by the accused A1 to A5 towards PW1. On perusal of testimonies of PW2 to PW5, this Court is of the opinion that the said witnesses have not deposed anything regarding the obscene words alleged to have been uttered by A1 to A5 towards PW1. PW6 has deposed in his chief examination that in 2014 one day, A1 and his family members came to their house in Paampukovil santhai and asked his sister (PW1) to give divorce to A1 and disputed with his sister by asking as to why they were investigating. On perusal of PW6’s testimony, this Court finds that while PW6 has deposed that the occurrence took place in Paampukovil santhai, he has

not deposed anything regarding the obscene words alleged to have been uttered by A1 to A5 towards PW1. On perusal of records and PW8's testimony, this Court further finds that the investigation officer (PW8) did not prepare any observation magazhar or rough sketch, which could bring clarity regarding the place of occurrence of the offence. From the above discussion, this Court is of the view that there is material ambiguity with respect to place of occurrence of the offences and that the said material ambiguity remains unresolved. Hence, this Court opines that the prosecution has failed to prove the charge u/s. 294(b) of IPC framed as against A1 to A5 beyond all reasonable doubts.

B) Charge u/s. 506(1) of IPC:

8.8. The essential ingredients to establish accusation u/s. 506(1) of IPC are: 1) threat to cause injury to person, property or to the person or reputation of any anyone in whom that person is interested, 2) Such threat should have been made with an intention to cause alarm or to make him do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do as the means of avoiding the execution of such threat.

8.9. In final report, it has been mentioned that on 28.12.2014, at 4.40 p.m., the accused A1 to A5 went to the house (where PW1 resides) which is situated in Sankarankovil Lakshmiyapuram 5th street and threatened PW1 by uttering the words “நாங்கள் சொல்வது போல பணம் ரூபாய் ஐந்து லட்சம் கொடு, இல்லையெனா உன்னை வாழவிடாம கொன்னே புடுவோம்.” In Ex.P.1 and Ex.P.2., it has been mentioned that on 28.12.2014, at 4.40 p.m., when PW1 was in the house, A1 to A5 trespassed into the house and uttered the filthy words “இன்று நீ தப்பித்தாய் என்று இருந்தாலும் உங்கள் குடும்பத்தினர் சாவு எங்கள்

கையில் தான் உள்ளது” towards her and that due to the same, PW1 felt threat to her life. On comparative analysis of Ex.P.1 and final report, this Court is of the view that there is material discrepancy with regards to the threatening words alleged to have been uttered by the accused A1 to A5 towards PW1. In this regard, PW1 has deposed in her chief examination that on 28.12.2014, at 4.00 p.m., when PW1 was in her mother and father’s house which is situated at Paampukovil santhai, all the accused came there and uttered the filthy words “தேவிடியா நீ இன்னும் உயிருடன் தான் இருக்கிறாயா, உன்னை பணம் வாங்கிட்டு தானே வரச் சொன்னோம்” towards her and that the accused while leaving, again uttered the threatening words “உன் உயிர் என் கையில் தான்” towards PW1 and that she could not bear to hear the same. On perusal of testimony of PW1 in light of final report, this Court is of the opinion that there is material discrepancy with regards to place of occurrence of the alleged offence and that there is no consonance with regards to threatening words alleged to have been uttered by A1 to A5 towards PW1, between the two versions. In this regard, on perusal of Ex.P.1 and Ex.P.2, this Court finds that there is no mention regarding the location of the house where the alleged offence was committed by the accused. There is no mention whether the house is situated in Sankarankovil Lakshmiyapuram 5th street (as given in final report) or whether the said house is situated in Paampukovil santhai (as deposed by PW1). In this regard, PW2 has deposed in his chief examination that he was informed that on 28.12.2014, when PW2 was in not in the house, all the accused came to the house and threatened his daughter (PW1). However, there is no mention as whether the whether the house is situated in Sankarankovil Lakshmiyapuram 5th street or whether the said house is situated in Paampukovil santhai, in PW2’s testimony and PW2 has also not mentioned anything regarding

the specific threatening words alleged to have been uttered by the accused A1 to A5 towards PW1. On perusal of testimonies of PW2 to PW5, this Court is of the opinion that the said witnesses have not deposed anything regarding the threatening words alleged to have been spoken by A1 to A5 towards PW1. PW6 has deposed in his chief examination that in 2014 one day, A1 and his family members came to their house in Paampukovil santhai and asked his sister (PW1) to give divorce to A1 and disputed with his sister by asking as to why they were investigating. On perusal of PW6's testimony, this Court finds that while PW6 has deposed that the occurrence took place in Paampukovil santhai, he has not deposed anything regarding the threatening words alleged to have been uttered by A1 to A5 towards PW1. On perusal of records and PW8's testimony, this Court further finds that the investigation officer (PW8) did not prepare any observation magazhar or rough sketch, which could bring clarity regarding the place of occurrence of the offence. From the above discussion, this Court is of the view that there is material ambiguity with respect to place of occurrence of the offences and that the said material ambiguity remains unresolved. Hence, this Court opines that the prosecution has failed to prove the charge u/s. 506(1) of IPC framed as against A1 to A5 beyond all reasonable doubts.

C) Charge u/s. 4 of Dowry Prohibition Act:

8.10. Essential ingredients to establish charge u/s. 4 of Dowry Prohibition Act are: a) Any person should have made a demand for any dowry; b) Such demand could be made directly or indirectly; c) Such demand should have been made to parents or other relatives or guardian of bride or bridegroom.

8.11. In the present case, in final report, it has been mentioned that during the marital preparation between PW1 and A1, PW1's family gave 35 sovereign of gold jewels, 2 lakh rupees; that on 08.12.2008, marriage between PW1 and A1 happened; that since the day of wedding (i.e.) since 08.12.2008, the accused A1 to A5 seeked for additional dowry amount of Rs. 5 lakhs from PW1 and treated PW1 cruelly for that purpose. In Ex.P.1 and Ex.P.2., it has been mentioned that on 08.12.2008, PW1 was married off to A1; that during the marriage, on demand made by A1 to A5, 35 sovereign gold jewels, Rs. 2 lakh rupees, silver and ever silver vessels were given as dowry to them by PW1's family; that since the date of marriage, A1 has been demanding PW1 to get more dowry from her parents; that in 2011, when PW1 used to give Rs. 7,000 monthly to A1, the amount which received as income for working as teacher in Veerasamy Chettiar Polytechnic college; that in 2012 april month, A1 insisted that PW1 should not work and made her resign from the said job; that during the intermittent time period, A1 demanded PW1 to get Rs. 2 lakh rupees for the purpose of purchasing land in Puliampatti village; that PW1's parents gave the said amount to accused; that A1 pledged PW1's jewels and unnecessarily spent the money obtained through that pledge; that A1 demanded Rs. 5 lakhs (from retirement money of PW1's father) to be given to him by PW1; that A1 to A5 have been torturing PW1 asking her to fulfil their demand for Rs. 5 lakhs and in the said complaint, PW1 has seeked the police to take action against the accused and to get back the gold jewels and Rs. 4 lakhs which were obtained as dowry by the accused from PW1's father.

8.12. In this regard, PW1 has deposed in her chief examination that on 08.12.2008, marriage happened between PW1 and her husband; that PW1's mother in law then asked PW1 to get Rs. 5 lakhs for the purpose of getting her a job; that

PW1's father and mother had already given 35 sovereigns of gold and 2 lakh rupees; that the said 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him; that when PW1 again spoke regarding her life to her mother in law, the mother in law had stated to PW1 not to speak about her life here and asked PW1 to speak to her father and mother or to get money from her father, mother. On perusal of testimony of PW1, this Court finds that she has not specifically mentioned as to whether 35 sovereigns of gold and 2 lakh rupees were given as dowry to A1 on demand made by him at the time of marriage. As per PW1's aforementioned testimony, it was her mother in law who had demanded for the additional dowry of Rs. 5 lakhs. However, PW1 has not deposed as to which of her two mother in laws demanded for the additional dowry. In this regard, PW2 has deposed in his chief examination that on 08.12.2008, marriage between A1 and PW1 was arranged by the elders; that 35 sovereign of gold jewels and 2 lakh rupees were given; that initially, the accuseds asked for Rs. 5 lakh rupees from PW1 and harassed her. PW2 has further deposed in chief examination that his daughter (PW1) took some jewels with her and that PW1 had taken about 20 sovereigns of gold jewels with her, when she came from the accuseds' house. On perusal of PW2's testimony, this Court finds that there is no mention as to whether 35 sovereigns of gold and 2 lakh rupees were given as dowry to A1 on demand made by the accuseds at the time of marriage and that it has generally been mentioned that the accuseds asked for Rs. 5 lakhs from PW1 and harassed her. On perusal of PW2's testimony in light of PW1's testimony, this Court finds that there is contradiction between the two versions regarding the person who had demanded the dowry and as to the amount of dowry alleged to remain with the accused. This is because, while PW1 has deposed that it was her

mother in law who had demanded the additional dowry, PW2 has deposed generally that the accuseds asked for Rs. 5 lakhs from PW1. Further, while PW1 has deposed that all of the 35 sovereigns of gold and 2 lakh rupees remain with her husband, PW2 has deposed that PW1 had taken about 20 sovereigns of gold jewels with her, when she came from the accuseds' house.

8.13. On perusal of PW3's testimony, this Court finds that he has not deposed anything regarding alleged demand for dowry made by A1 to A5 towards PW1. PW4 has deposed in his chief examination that he received information that during the engagement, 35 sovereigns of gold jewels and 2 lakh rupees were accepted to be given as dowry and has then deposed that he did not know as to how much money and how much jewels were given at the time of marriage. From the aforementioned testimony of PW4, it is clear that PW4 has not mentioned anything regarding demand for dowry made by A1 to A5 on the date marriage and that PW4 has not mentioned anything regarding the demand for additional dowry of Rs. 5 lakhs from PW1 by A1 to A5. In this regard, PW5 has deposed in his chief examination that about 15, 16 years ago, engagement of PW1 and A1 occurred in PW1's grandfather's house; that he participated in the said engagement; that in the said engagement, the accused's family demanded 35 sovereigns of gold and 2 lakh rupees as dowry; that in accordance with the said demand, PW1's father Arulraj gave the jewel and money during marriage, which happened the next day after marriage. However, PW5 himself has later deposed in his chief examination that he did not see as to how much jewels and money was given at the time of marriage, thereby contradicting his earlier testimony. On further perusal of PW5's testimony, this Court finds that he has not mentioned anything regarding the alleged additional demand for Rs. 5 lakhs made by the accused. In this regard, PW6 has

deposed in his chief examination that on 08.12.2008, marriage between PW1 and A1 happened in Sankarankovil big temple and reception was held in a hall which is situated in Sankarankovil Railway feeder road; that at the time of marriage, about 35 sovereigns of gold jewels, 2 lakh rupees and remaining dowry things were sent in 407 vehicle for the value of Rs. 5 lakhs and in a small vehicle; that PW1's father in law Jeganathan asked PW1 to get Rs. 5 lakhs for the purpose of getting a job for her; that for the same, PW1 stated that she was studying and asked them to wait and that all the 5 accused harassed PW1 to bring Rs. 5 lakhs. On perusal of PW6's testimony, this Court finds that PW6 has not deposed as to whether 35 sovereigns of gold and 2 lakh rupees were given as dowry to A1 on demand made by the accuseds at the time of marriage. Further, on perusal of PW6's testimony in light of PW1's testimony, this Court is of the view that there is contradiction between the two versions regarding the person who had demanded the dowry and as to the amount of dowry alleged to remain with the accused. This is because, while PW1 has deposed that it was her mother in law who had demanded the additional dowry, PW6 has deposed that it was PW1's father in law who had asked PW1 to get Rs. 5 lakhs for the purpose of getting a job for her. Further, while PW1 has deposed that all of the 35 sovereigns of gold and 2 lakh rupees remain with her husband, PW6 has deposed in his chief examination that in 2012, PW1 had taken her daily wear jewels, dresses and books and came to their house which is situated at Paampukovil santhai. In this regard, PW7 has deposed in her chief examination that she received information that A1 and PW1 married in Sankarankovil and that lots of jewels and dowry items were given. However, PW7 has not mentioned anything regarding the demand made for dowry by A1 to A5 at the time of marriage and has not mentioned anything regarding the alleged demand for

additional dowry of Rs. 5 lakhs. Besides the said witnesses, the other prosecution witness (i.e.) PW8 has deposed merely regarding the investigation process carried out in the case. From the above discussion, this Court finds that there has been no proof adduced to show that A1 to A5 demanded 35 sovereigns of gold jewels and Rs. 2 lakhs to be given as dowry and that there are material contradictions with regards to the person who has allegedly demanded additional dowry of Rs. 5 lakhs from PW1. Hence, this Court is of the opinion that the prosecution has failed to prove the charge u/s. 4 of Dowry Prohibition Act framed against A1 to A5 beyond all reasonable doubts.

D) Charge u/s. 406 of IPC:

8.14. S. 406 of IPC provides for punishment for person committing criminal breach of trust. S. 405 of IPC provides definition for criminal breach of trust as follows: 'Whoever, being in any manner, entrusted with property or with any dominion over property dishonestly misappropriates or convert to his own use that property or dishonestly disposes off that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust or wilfully suffers any other person so to do, commits criminal breach of trust.'

8.15. In the present case, in final report, it has been mentioned that during the marital preparation between PW1 and A1, PW1's family gave 35 sovereign of gold jewels, 2 lakh rupees; that on 08.12.2008, marriage between PW1 and A1 happened; that since the day of wedding (i.e.) since 08.12.2008, the accused A1 to A5 seeked for additional dowry amount of Rs. 5 lakhs from PW1 and treated PW1

cruelly for that purpose and that when PW2 and PW6 asked the accused A1 to A5 to return the amount and jewels they had given by them during marriage, the accused had stated that they did not have such amount or jewels and committed criminal breach of trust. In Ex.P.1 and Ex.P.2., it has been mentioned that on 08.12.2008, PW1 was married off to A1; that during the marriage, on demand made by A1 to A5, 35 sovereign gold jewels, Rs. 2 lakh rupees, silver and ever silver vessels were given as dowry to them by PW1's family; that the since the date of marriage, A1 has been demanding PW1 to get more dowry from her parents; that in 2011, when PW1 used to give Rs. 7,000 monthly to A1, the amount which received as income for working as teacher in Veerasamy Chettiar Polytechnic college; that in 2012 April month, A1 insisted that PW1 should not work and made her resign from the said job; that during the intermittent time period, A1 demanded PW1 to get Rs. 2 lakh rupees for the purpose of purchasing land in Puliampatti village; that PW1's parents gave the said amount to accused; that A1 pledged PW1's jewels and unnecessarily spent the money obtained through that pledge; that A1 demanded Rs. 5 lakhs (from retirement money of PW1's father) to given to him by PW1; that A1 to A5 have torturing PW1 asking her to fulfil their demand for Rs. 5 lakhs and in the said complaint, PW1 has seeked the police to take action against the accused and to get back the gold jewels and Rs. 4 lakhs which were obtained as dowry by the accused from PW1's father.

8.16. In this regard, PW1 has deposed in her chief examination that on 08.12.2008, marriage happened between PW1 and her husband; that PW1's mother in law then asked PW1 to get Rs. 5 lakhs for the purpose of getting her a job; that PW1's father and mother had already given 35 sovereigns of gold and 2 lakh rupees and that the said 35 sovereigns of gold and 2 lakh rupees remain with

PW1's husband and have not yet been returned by him. On perusal of Ex.P.1. and PW1's testimony, this Court finds that there are material contradictions between the two versions. On perusal of PW1's testimony, this Court finds that she has not deposed anything regarding her monthly salary being given to the accused by her; that she has not deposed anything regarding Rs. 2 lakhs being given to the accused by her family and that she has not deposed anything regarding the alleged pledge of her jewels by A1. In addition to this, this Court finds that there is contradiction regarding the amount alleged to have been retained by the accused. In Ex.P.1., PW1 has sought the police to take action against the accused and to get back the gold jewels and Rs. 4 lakhs which were obtained as dowry by the accused from PW1's father. However, in her chief examination, PW1 has merely deposed that 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him. She has not mentioned anything regarding the additional Rs. 2 lakhs claimed by her in the complaint. In this regard, PW2 has deposed in his chief examination that on 08.12.2008, marriage between A1 and PW1 was arranged by the elders; that 35 sovereign of gold jewels and 2 lakh rupees were given; that his daughter (PW1) took some jewels with her and that PW1 had taken about 20 sovereigns of gold jewels with her, when she came from the accused's house. This is in contradiction with PW1's testimony wherein she had deposed that 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him.

8.17. On perusal of PW3's testimony, this Court finds that he has not deposed anything regarding the dowry alleged to have been received by the accused A1 to A5 from PW1 and her parents and has not deposed anything regarding the amount or gold jewels which is alleged to have been retained by the

accused. In this regard, PW5 has deposed in his chief examination that about 15, 16 years ago, engagement of PW1 and A1 occurred in PW1's grandfather's house; that PW5 also participated in the said engagement; that in the said engagement, the accused's family demanded 35 sovereigns of gold and 2 lakh rupees as dowry and that in accordance with the said demand, PW1's father Arulraj gave the jewel and money during marriage, which happened the next day after marriage. However, PW5 has then deposed in his chief examination that he did not see as to how much jewels and money was given at the time of marriage, thereby contradicting his earlier statement. Further, PW5 has not deposed anything regarding the value of money or jewels which are alleged to have been retained by A1 to A5. In this regard, PW6 has deposed in his chief examination that on 08.12.2008, marriage between PW1 and A1 happened in Sankarankovil big temple and reception was held in a hall which is situated in Sankarankovil Railway feeder road and that at the time of marriage, about 35 sovereigns of gold jewels, 2 lakh rupees and remaining dowry things were sent in 407 vehicle for the value of Rs. 5 lakhs and in a small vehicle. PW6 has later deposed in his chief examination that in 2012, PW1 had taken her daily wear jewels, dresses and books and came to their house which is situated at Paampukovil santhai. This testimony of PW6 is in contradiction with PW1's testimony wherein she had deposed that 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him. On perusal of PW7's testimony, this Court finds that she has deposed in her chief examination that A1 and PW1 married in Sankarankovil and that lots of jewels and dowry items were given. However, PW7 has not mentioned anything regarding the act of misappropriation alleged to have been done by the accused and has not

deposed anything regarding the value of money and jewels alleged to have been retained by the accused.

8.18. Further, this Court finds it pertinent to point out that none of the aforementioned witnesses, namely, PW1 to PW6 have deposed anything regarding any specific act of misappropriation (which are given in Ex.P.1) alleged to have been committed by the accused with respect to the dowry alleged to have been given to the accused. Besides this, from the above discussion, there is material contradictions with regards to the value of money and jewels which are alleged to have been retained by the accused A1 to A5. On perusal of testimony of PW8 and records, this Court finds that there has been no documentary proof adduced to show that the accused A1 to A5 pledged PW1's jewels, as contended in Ex.P.1. Hence, in light of the above discussion, this Court is of the opinion that the prosecution has failed to prove the charge u/s. 406 of IPC framed against A1 to A5, beyond all reasonable doubts.

E) Charge u/s. 498A of IPC:

8.19. S. 498A of IPC provides for punishment to any person, whoever, being the husband or the relative of husband of a woman, subjects such woman to cruelty. Explanation in the said section provides for definition of 'cruelty' as follows: (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

8.20. In the present case, in final report, it has been mentioned that on 08.12.2008, marriage between PW1 and A1 happened; that since the day of wedding (i.e.) since 08.12.2008, the accused A1 to A5 seeked for additional dowry amount of Rs. 5 lakhs from PW1 and treated PW1 cruelly for that purpose. In Ex.P.1 and Ex.P.2., it has been mentioned that on 08.12.2008, PW1 was married off to A1; that dowry of Rs. 2 lakhs and 35 sovereigns of gold jewels were given as demanded by the accused; that A1 and his parents have been harassing PW1 to get more dowry; that A1 had illicit affair with his uncle's daughter Amsaveni; that A1 used to chat with Amsaveni for all night; that when she stated the same to her in laws, they had asked her to adjust and to bring more dowry; that in 2009, when she was in her parent's house for her delivery, her husband (A1) came there; that on seeing that the accused A1 was chatting with Amsaveni, when PW1 asked as to why he was doing that, A1 hit face and stomach of PW1; that when PW1's parents came there, the accused A1 had promised not to do so in the future; that in 2nd week of 2010, after PW1's return to accused's house (after her delivery), A1 used to drink and beat PW1 demanding for dowry; that A1 used to show obscene films to PW1 and force her to do as shown in that film; that in 2011, PW1's husband used to get her salary of Rs. 7,000 which she obtained as income from working as teacher in Puliangudi Veerasamy Chettiar; that in 2012 April month, A1 insisted that PW1 should not work and made her resign from the said job; that during the intermittent time period, A1 demanded PW1 to get Rs. 2 lakh rupees for the purpose of purchasing land in Puliampatti village; that PW1's parents gave the said amount to accused which they obtained through debt; that A1 pledged PW1's jewels and unnecessarily spent the money obtained through that pledge; that A1 demanded Rs. 5 lakhs (from retirement money of PW1's father) to be given to him

by PW1; that A1 to A5 have been torturing PW1 asking her to fulfil their demand for Rs. 5 lakhs; that many nights, the accused refused to provide food for PW1; that PW1 has starved for many nights; that after returning from work, A1 used to torture PW1 by keeping her shut in a room; that A1 had illicit affair with many women; that A1 to A5 have been demanding PW1 to bring more dowry by stating that if she failed to do so, they would kill PW1, her children and that they would marry A1 to one Bercil Thomas; that during many nights, A1 used to force PW1 to behave like shown in obscene films; that on 28.12.2014, at 4.40 p.m., the accused came to PW1's house, demanded dowry to her, uttered obscene words to her and threatened to kill her. In addition to this, in the said complaint, PW1 has sought the police to take action against the accused and to get back the gold jewels and Rs. 4 lakhs which were obtained as dowry by the accused from PW1's father.

8.21. In this regard, PW1 has deposed in her chief examination that on 08.12.2008, marriage happened between PW1 and her husband; that after the marriage, PW1 lived with her husband as joint family in Gomathiapuram 1st street; that her husband used to often talk to his relative Amsaveni at night time; that when PW1 stated the same to her father in law and mother in law, they stated that that's how they would be; that after baby shower, PW1 went to her mother's house; that PW1's husband contacted Amsaveni frequently; that when PW1 fought with her husband regarding the same, her husband had hit PW1's face in her mother and father's house; that when PW1's father and mother stated to the 1st accused that they married off PW1 to him only on believing him, the accused stated that he would not hereinafter do so; that in 2009, a son was born to PW1; that after the same, PW1's husband relation with Amsaveni stopped; that in 2011, PW1's husband got into a relationship with a woman named Bercis Thomas; that after

formation of the said relationship, PW1's husband drank a lot; that PW1's husband used to go out with Bercis Thomas for 2 times a month; that when PW1 stated regarding the same to her in – laws, they had stated that it was ordinary in their family; that PW1's husband was a government servant and asked PW1 to adjust; that when PW1's husband started going out with Bercis Thomas once a week, PW1 stated regarding the same to her mother in law, for which, the mother in law had stated that she was in government job and that she is to get wedded to PW1's husband; that PW1's mother in law then asked PW1 to get Rs. 5 lakhs for the purpose of getting her a job; that PW1's father and mother had already given 35 sovereigns of gold and 2 lakh rupees; that the said 35 sovereigns of gold and 2 lakh rupees remain with PW1's husband and have not yet been returned by him; that when PW1 again spoke regarding her life to her mother in law, the mother in law had stated to PW1 not to speak about her life here and asked PW1 to speak to her father and mother or to get money from her father, mother; that PW1 went to her mother and father's house along with her child. Then, PW1 did not have any contact with the accused; that when PW1 tried to contact the accused, his phone was switched off; that when PW1 tried to compromise through elders, the accused refused to talk with her; that she received information from her relative that in 2013 september month, A1 married Bercis Thomas; that on 28.12.2014, at 4.00 p.m., when PW1 was in her mother and father's house which is situated at Paampukovil santhai, all the accused came there and uttered the filthy words “தேவிடியா நீ இன்னும் உயிருடன் தான் இருக்கிறாயா, உன்னை பணம் வாங்கிட்டு தானே வரச் சொன்னோம்” towards her; that they then attempted to hit PW1; that the neighbours came there; that the accused were leaving, they uttered the threatening words “உன் உயிர் என் கையில தான்” towards PW1 and

that on the next day, PW1 along with her parents went to Sankarankovil All Women Police station and gave a complaint for action to be taken against the accused.

8.22. On perusal of PW1's testimony in light of Ex.P.1., this Court finds that PW1 has not deposed anything regarding the incidents of physical cruelty which were mentioned in Ex.P.1. to have happened in 2nd week of 2010, 2011 and 2012 April month. PW1 has further not deposed anything regarding the sexual abuse, which she had alleged (in Ex.P.1) to have faced in the hands of A1. On perusal of PW1's testimony, this Court is of the view that PW1 has deposed that she suffered mental cruelty due to A1's alleged affair with Amsaveni, Bercil Thomas and A1's marriage with Bercil Thomas and due to insistent demand for additional dowry by her mother in law. With regards to the allegation that PW1 suffered mental cruelty due to demand for additional dowry, this Court finds it essential to point out that as already discussed above, the allegation that the accused demanded dowry stands not proved. Hence, the subsequent mental cruelty which is alleged to have been suffered by PW1 due to dowry demand also stands not proved. With regards to the alleged affair of A1 with Amsaveni, Bercil Thomas and A1's marriage with Bercil Thomas, other than PW1's oral allegations, no other proof has been adduced to prove the same. PW2 has deposed in his chief examination that the accuseds harassed PW1 by demanding for more dowry; that the accused stated that he was going to marry Bercy Thomas and that the accused did not pay heed to his words when PW2 talked to him in that regard. On perusal of PW2's testimony, this Court finds that he has not deposed anything regarding the beating which PW1 has alleged to have suffered in the hands of A1 during her stay in her parent's house. PW6 has deposed in his chief examination that PW1's father in law demanded for

dowry; that the 5 accused harassed PW1 to bring Rs. 5 lakhs; that the accused failed to buy things necessary for the house and in such circumstances, PW1 noticed the accused talking to another lady about 2 -3 times in phone; that A1 used to state that he was going out of station and go outside and that PW1 who could not maintain her child, told all the happenings to her family. However, the alleged victim, PW1 herself has not told in her testimony that the accused failed to buy things necessary for the house. PW6 has further deposed that they got information that in 2013, A1 got married to Bercis Thomas and that they have been thinking that it is possible. In 2014, on receiving information that A1 had a child, PW2 brought PW1 to Paampukovil santhai. At that time, they were investigating regarding the marriage of A2 with A1. On perusal of afore mentioned PW2 and PW6 testimonies, this Court finds that both the witnesses have deposed that PW1 suffered mental cruelty due to the demand of dowry from her in-laws, due to alleged marriage of A1 with one Bercil Thomas and due to his illicit affair. However, other than the said witnesses' speculations, there has been no documentary proof adduced to show that A1 was having illicit affair with women. Further, as already discussed above, this Court is of the view that where the allegation that the accused demanded dowry stands not proved, the subsequent mental cruelty which is alleged to have been suffered by PW1 due to dowry demand also stands not proved. On perusal of PW3 to PW5 and PW7's testimonies, this Court finds that other than PW5, no other said witnesses have deposed anything regarding the alleged illicit affair of A1 and regarding the alleged mental cruelty suffered by PW1 due to the said affair of A1 and that PW3, PW4 and PW7 have merely deposed that they have heard about the dowry issue. PW5 has deposed initially deposed in his chief examination that after the marriage, A1

and PW1 lived in A1's house which is situated in Sankarankovil; that due to dispute, both PW1 and A1 separated and that he did not know reason for the said dispute. PW5 later deposed in his chief examination that the dispute resulted due to the accused's contact with another lady. PW5 further deposed in his chief examination that A1 married another woman; that he did not know name of the woman whom A1 married. On perusal of PW5's aforementioned testimony, this Court is of the view that there is no consistency with regards to PW5's deposition.

8.23. On perusal of records, this Court finds it pertinent to point out that other than Ex.P.1 and Ex.P.2., no other evidence has been produced on the prosecution side. No documentary proof have been adduced to prove the alleged illicit affairs of A1 and his alleged marriage with Bercil Thomas. In such circumstances, this Court is of the view that in absence of aforementioned evidence, PW1's contentions regarding the alleged illicit affair of A1 stands not proved. Hence, in light of the above discussion, this Court is of the view that the prosecution has failed to prove the charge u/s. 498A of IPC framed against A1 to A5, beyond all reasonable doubts.

F) Charge u/s. 4 of TNPHW Act:

8.24. The essential ingredients to establish charge u/s. 4 of TNPHW Act are: 1) commission, participation or abetment of harassment of women, 2) such harassment of women in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival, public service vehicle or vessel or any other place. The term 'harassment' has been defined in S. 2(a) of TNPHW Act as follows: "harassment" means any indecent, conduct or act by a man which causes or is

likely to cause intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force.

8.25. In final report, it has been mentioned that on 28.12.2014, at 4.40 p.m., the accused A1 to A5 went to the house (where PW1 resides) which is situated in Sankarankovil Lakshmiyapuram 5th street and uttered the filthy words “தேவடியா மவளே” towards PW1 and threatened PW1 by uttering the words “நாங்கள் சொல்வது போல பணம் ரூபாய் ஐந்து லட்சம் கொடு, இல்லையெனா உன்னை வாழவிடாம கொள்ளே புடுவோம்” and that A1 to A5 thereby had harassed LW1 in public place and caused great insult to her, for the purpose of demanding dowry. In this regard, this Court finds it essential to point out that, as already discussed above, the allegations regarding utterance of filthy words by A1 to A5 towards PW1, regarding utterance of threatening words by A1 to A5 towards PW1; regarding the cruelty inflicted upon PW1 by A1 to A5 for the purpose of demanding dowry and regarding the demand of dowry made by A1 to A5, stand not proved. In such circumstances, this Court opines that the charge u/s. 4 of TNPHW Act which was framed against A1 to A5, based on the said allegations also stands not proved. Hence, the prosecution has failed to prove the charge u/s. 4 of TNPHW Act as against A2 and A3, beyond all reasonable doubts.

8.26. On the whole, this Court concludes that the prosecution has failed to prove the charges framed u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act as against A1 to A5, beyond all reasonable doubts.

9. Finding of the Court:

The prosecution has failed to prove the charges framed u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act as against A1 to A5, beyond all reasonable doubts.

10. Decision:

In the result,

Accused A1 to A5 are found not guilty for the offences u/s. 498A, 294(b), 406, 506(1) of IPC, S. 4 of TNPHW Act and S. 4 of Dowry Prohibition Act and are acquitted u/s. 248(1) of Cr.P.C.

No property was produced before this Court.

If any, bail bonds executed by the accused A1 to A5, are ordered to be cancelled after the expiry of the appeal period.

This judgment was typed by me in my laptop, corrected and pronounced by me in the Open Court on 7th March, 2026.

Additional District Munsif / Judicial Magistrate

Sankarankovil.

Appendix – A**Prosecution side Witnesses:**

S.No.	Rank of Witness	Name of Witness	Remarks
1.	PW1	Santha devi	Defacto Complainant
2.	PW2	Arulraj	Eye witness
3.	PW3	Murugan	Hearsay witness
4.	PW4	Saanthakumar	Hearsay witness
5.	PW5	Poovaiya	Hearsay witness
6.	PW6	Jaishankar	Hearsay witness
7.	PW7	Chinnathaai	Hearsay witness
8.	PW8	Meenal	Investigation officer

Appendix – B**Prosecution side Exhibits:**

S.No.	Exhibit	Description of Document
1.	Ex.P.1	Complaint
2.	Ex.P.2	First Information Report

Appendix – C

Material Objects – Nil

Appendix – D

Defence side Witness – Nil

Appendix – E

Defence side Exhibits

S.No.	Exhibit	Description of Document
1.	Ex.D.1	Counter filed by Saantha Devi in HMOP No. 44 of 2019

Additional District Munsif / Judicial Magistrate
Sankarankovil.