

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2269-2270 OF 2009
Arising out of SLP(Crl.) NOS. 8375-8376/2008)

D.K. Ganesh Babu .. Appellant(s)

Versus

State of Tamil Nadu & Ors. .. Respondent(s)

O R D E R

Leave granted.

These appeals at the instance of the complainant/informant (the brother of the deceased, Madhu Devi) are directed against the judgment and order dated August 22, 2008, passed by the Madras High Court whereby it quashed the charges under Sections 498-A, 306 and 304B/34 of the Indian Penal Code, (for short, "the IPC") and Sections 3 & 4 of the Dowry Prohibition Act framed by the trial court against the three respondents who happened to be the sister-in-law, the mother-in-law and the father-in-law respectively of the deceased.

Madhu Devi was married to Naveen Kumar, the son of respondents Nos. 3 and 4 on November 30, 2000. She committed suicide by hanging herself on July 1, 2006. Earlier to that also she had attempted to commit suicide in the year, 2002. She left behind a suicide note, a copy of

which is at page 56 of the Special leave Petition and which was placed before us a number of times.

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The brother of the deceased, the appellant, lodged the first information report at the Adayar Police Station on July 2, 2006, in which he made allegations that after the marriage of his sister, her husband and the three respondents made repeated demands for dowry and in that connection constantly harassed her and subjected her to torture that eventually led her to commit suicide. The police after investigation submitted charge-sheet against the three respondents and Naveen, the husband of the deceased. On the basis of the charge-sheet received from the police, the trial Court framed charges against all the four accused, including, the three respondents under Sections 498-A, 306, 304-B/34 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act. At that stage, the three respondents approached the Madras High Court for quashing the charges framed by the trial court against them. The Madras High Court by a lengthy judgment allowed their applications and quashed the charges insofar as the three respondents are concerned.

On hearing counsel for the parties and on going through the High Court judgment coming under appeal and the other materials on record we feel that the High Court completely misdirected itself in delving deep into the

evidences that might be led before the trial Court, on behalf of the prosecution as also from the side of the defence. Undertaking an exercise based on a detailed appreciation of evidences that might come in the course of

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the trial, the High Court arrived at the conclusion that "the prosecution had not placed any prima facie material before the trial court in the form of the charge-sheet" to justify subjecting the respondents to trial on charges under sections 498A, 306, 304B/34 of the IPC and sections 3 & 4 of the Dowry prohibition Act. It, accordingly, quashed the charges framed against them.

We are unable to agree with the view taken by the High Court that there was no prima facie material before the trial court to frame charges against the three respondents and to put them up on trial. It is noted above that Madhu Devi died within seven years of her marriage. She died by committing suicide. Hence, the death certainly can not be said to have occurred under normal circumstances. We have been taken through the suicide note, the first information report and the contents of the charge-sheet. We do not wish to make any comments on the veracity of the allegations made therein but we must say that all the three documents undeniably contain *allegations* of demand of dowry and Madhu Devi being subjected to harassment and torture in connection with

those demands. Whether or not the prosecution would be eventually able to substantiate its allegations against the three respondents by leading cogent and reliable evidence before the trial Court and how the prosecution case would stand in the light of any evidence that might be led on behalf of the defence is yet to be seen. But prima facie

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there are allegations comprising all the ingredients of the offences for which the trial court framed charges against the respondents and there are materials which taken on their face value would lead to the inference of the respondents' guilt. It is not a case which could be quashed by the High Court even at the stage of framing of charge by the trial court and the respondents must be made to face the trial.

In the result we allow the appeals, set aside the order passed by the High court and direct the trial Court to proceed with the trial, in accordance with law.

.....J.
[AFTAB ALAM]

.....J.
[Dr. MUKUNDAKAM

SHARMA]

NEW DELHI,
NOVEMBER 30, 2009.

SUPREME COURT OF INDIA



JUDGMENT