



Crl.O.P.(MD).No.13876 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.13876 of 2021

and

Crl.M.P.(MD)Nos.7210 and 7211 of 2021

1. Panneerselvam

2. Thenmozhi

3. Muthuselvi

.. Petitioners/Accused 2 to 4

Vs.

1. State Represented by
The Inspector of Police,
All Women Police Station,
Srirengam, Tiruchirappalli City,
Tiruchirappalli District.
(Crime No.2 of 2021)

.. Respondent/Complainant

2. Suruthi

.. 2nd Respondent/Defacto-Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.55 of 2021 on the file of the learned Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District and quash the charge sheet as against the Petitioners herein.



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For Petitioners : Mr.R.Ilayaraja

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1

: Mr.T.J.Ebenezer Charles
for R2

ORDER

This petition has been filed to quash the charge sheet filed in P.R.C.No.55 of 2021 as against the petitioners herein, on the file of the learned Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District.

2. The case of the prosecution is that the family of the defacto complainant was residing near the house of the petitioners herein and the victim is closely associated with the family of the petitioners. While she was pursuing her studies in college, her family shifted their residence and thereafter, petitioners 1 and 2 herein met the victim's family to extend wedding invitation of the 3rd petitioner herein and renewed their acquaintance. In the month of January, 2019 the 1st accused/Arun Kumar had proposed his love towards the defacto complainant and on 14.05.2019 at 4.30 p.m, he taken the victim to the house of one Rajendran and had sexual intercourse with the victim on false promise of marriage, which was



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repeated. Thereafter, he avoided her. Therefore, the victim disclosed the said fact to the petitioners' family for which they advised her to avoid A1 citing the caste difference. At that time, A1 came and slapped her and attempted to stab her. After, she disclosed the affair to A1 and her family members, her father invited the petitioners for solution. On 26.04.2020 at about 7.00 p.m. the petitioners arrived at the residence of the victim and supported their son which resulted to lodge the complaint before the All Women Police Station, Fort, Tiruchirappalli City on 02.05.2020, wherein A1 had appeared for enquiry and promised to marry her within three months, but he did not keep the said promise and on 22.01.2021 at about 4.15 p.m, while the victim was coming near Nagammal Temple, A1 waylaid her, abused her and assaulted her due to which the present complaint has been lodged. The respondent police registered a case in Crime No.2 of 2021 for the offence under Sections 376(1), 294(b), 323, 506(i) IPC against A1 and Section 506(i) IPC alone against A2 to A4/petitioners herein. After completion of investigation, the respondent police filed final report and the same was taken on file in PRC.No.55 of 2021 on the file of the learned Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District. Challenging the same, this petition has been filed by the petitioners.



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3.The only allegation against the petitioners is that they criminally intimidated the defacto complainant. From the reading of the final report and the statement of the witnesses recorded by the investigating officer, the necessary ingredients of Section 506(i) IPC is not made out. To substantiate the same, the learned counsel submitted that the judgment in the case of ***[Manik Taneja and another v. State of Karnataka and another]*** reported in ***2015 (7) SCC 423***.

4. The learned Additional Public Prosecutor submitted that even though there is *actus rea* on the part of the petitioners, but there is allegation that they threatened the defacto complainant. Hence, he seeks for dismissal of this quash petition.

5. The learned counsel for the defacto complainant reiterated the submission made by the learned Additional Public Prosecutor.

6. The first and the second petitioners' son is Arunkumar. He promised to marry the victim aged about 23 years and had sexual intercourse. Subsequently, he refused to marry her. On 26.04.2020 at 11.30 am., she visited the house of the said Arunkumar and she insisted to marry her. On the account of the caste



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difference, the petitioners refused to entertain the same. Subsequently, she gave a complaint before the All Women Police Station, Tiruchirappalli on 02.05.2020. The said Arunkumar appeared for enquiry and promised to marry her. Subsequently, he refused to marry the victim. But, she insisted to marry her. Therefore, on 22.01.2021, at 04.15, pm., while the victim was proceeding near the Nagammal Temple, the said Arunkumar waylaid her, abused her and assaulted her and caused injuries. Immediately, the victim got frightened and left the place and thereafter, she made complaint as against him and in the said complaint she also made the sweeping allegation against the petitioners that they had also criminally intimidated her. With the said allegation, the final report was filed as against them for the offence under Section 506(i) of IPC by arraying them as A2 to A4. The same was taken on file in P.R.C.No.55 of 2021. In the final report only allegation against these petitioners is that the petitioners on 26.04.2020 criminally intimidated her and the said allegation is as follows:

எனவே பாதிக்கப்பட்ட பெண் கடந்த 26.04.2020 ம் தேதி மார்க்கினில் கண்ட 1 வது எதிரியை சந்திக்க அவரது வீட்டிற்கு சென்று திருமணம் பற்றி கேட்டபோது அங்கிருந்த மார்க்கினில் கண்ட 2 முதல் 4 வரையிலான எதிரிகள் திருமணமெல்லாம் சாயாக வராது என்றும் எங்கள் ஜாதி வேறு நீ வேறு பெரிய அவமரியாதை ஆகிவிடும் என்று கூறி இத்தோடு இதை நிறுத்திக்கொள் என்றும் அப்போது எதிரி 3



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மற்றும் எதிரி 4 பாதிக்கப்பட்ட பெண்ணிடம் வந்து நீ இங்கிருந்து கிளம்பு என்றும் அப்போது அங்கு வந்த மார் ஜினில் கண்ட எதிரி 1 பாதிக்கப்பட் பெண்ணின் முகத்தில் அறைந்து உன்னை யாருடி என் வீட்டிற்கு வரச்சொன்னது புண்ட மவளே வெளியே போடி என்று ஆபாச வார்த்தைகளால் திட்டியும் முர்க்க தனமாக வீட்டில் இருந்த சேரை எடுத்து அடித்தும் தொடர்ந்து kitchen ல் இருந்து கத்தியை எடுத்துக்கொண்டு வந்து குத்த முயன்றும் கைகளால் கண்ணத்தில் அடித்தும் பின் எதிரி-1 தான் வைத்திருந்த கத்தியை தனது கழுத்தில் வைத்துக் கொண்டு நீ வீட்டைவிட்டு வெளியே போகவில்லை என்றால் நான் என்னை குத்திக்கொள்வேன் என்று மிரட்டியும் பாதிக்கப்பட்ட பெண் அலறி வீட்டைவிட்டு வெளியே வந்த போது மார் ஜினில் கண்ட 2 முதல் 4 வரையிலான எதிரிகள் பாதிக்கப்பட்ட பெண்ணிடம் எங்கள் ஜாதியில் நாங்கள் வேறுமாதிரி செய்துவிடுவோம் நீ இங்கிருந்து கிளம்பவில்லை என்றால் ஆட்களை வைத்துக் கொன்றுவிடுவோம் என்று மிரட்டியுள்ளனர்.

7.From the perusal of the above said allegation, the offence under Section 506(i) of IPC is not made out. To constitute the offence under Section 506 (i) of IPC, the following ingredients are necessary:

7.1.To constitute the offence under Section 506(i) of IPC, as per the law laid down by the Hon'ble Supreme Court in the case of ***Parminder Kaur v. State***



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of Punjab, reported in **(2020) 8 SCC 811**, no assault was made, which was the material ingredient of Section 506 (i) of IPC. In the case of ***Manik Taneja and another Vs. State of Karnataka and another*** reported in **2015 [7] SCC 423** “Threat must be intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expressions of any words, without any intention to cause alarm would not be sufficient to bring in the application of this Section.”

7.2. In the case of ***Noble Mohandass Vs. State***, reported in **1988 [2] MWN Crl 184:**

“Threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom thereat is launched does not feel threatened actually.”

8. By applying the above principle, this Court finds no ingredients to constitute the offence under Section 506(i) of IPC. Therefore, this Court finds merit in the contention of the petitioner that no offence is made out as against the petitioners under Section 506(i) of IPC and the continuation of the petitioners is abuse of process of law. Therefore, this Court is inclined to quash the proceeding



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as against the petitioners.

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9. According, this Criminal Original Petition is allowed and the charge sheet in P.R.C.No.55 of 2021, on the file of the learned Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District as against these petitioners alone is hereby quashed. Consequently, connected miscellaneous petitions are closed.

17.11.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
PJL/*sbm*

To

1. The Additional Mahila Judge,
Tiruchirappalli,
Tiruchirappalli District.
2. The Inspector of Police,
All Women Police Station,
Srirengam, Tiruchirappalli City,
Tiruchirappalli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL/*sbn*

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