

CRL OP No.15908 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL OP No.15908 of 2023

and

CRL MP Nos.9911 and 9914 of 2023

Dr.K.Tamilarasi
W/o. Radhamani,
No.128, R.V. Nagar 1st Street,
Kodungaiyur,
Chennai - 600 118.

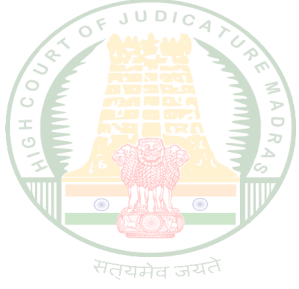
...Petitioner/Single
Accused

Vs

1. State : The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai - 600 118.
2. Mr.Venkatraman
S/o. Santhanam,
No.5B, Binny Nagar Main Road,
MMC, Chennai – 600 051.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the Charge Sheet in C.C.No.11332 of 2022 filed against the petitioner pending on the file of the learned X Metropolitan Magistrate Court, Egmore, Chennai.



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For Petitioner:

M/s.M.P.Saravanan

For Respondents :

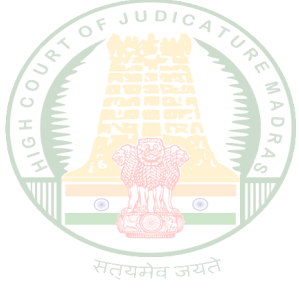
Mr. A. Amarnath,
Counsel for Government of Tamil Nadu
(Crl.Side) for R1

No Appearance for R2

ORDER

The petitioner seeks to quash the impugned final report filed for the offences under Sections 294(b) and 506(i) of the Indian Penal Code, 1860 (hereinafter referred to as the IPC), pending on the file of the learned X Metropolitan Magistrate, Egmore, Chennai, in C.C.No.11332 of 2022.

2. It is the case of the prosecution that the petitioner is the mother-in-law of a person who was accused in an offence under the Protection of Children from Sexual Offences Act, 2012, on the complaint given by the *de-facto* complainant/second respondent; and that the petitioner had spoken to the *de-facto* complainant over the phone on 03.03.2022 at about 2.34 p.m., stating that the complaint was not justified as both the accused and the victim were equally responsible for the issue and had also requested the *de-facto* complainant for a compromise and thus committed the aforesaid offences.



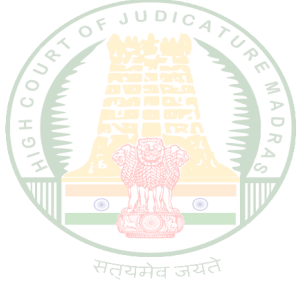
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3(a). Mr.M.P.Saravanan, the learned counsel for the petitioner, would submit that even if the allegations are accepted to be true, neither of the offences under Sections 294(b) and 506(i) of the IPC would be made out.

3(b). The learned counsel for the petitioner pointed to the transcript of conversation which has been filed in the typeset, in support of his submission that the conversation does not suggest in any manner the commission of the offences under Section 294(b) or 506(i) of the IPC, and hence prayed for the quashing of the impugned final report.

4. Heard the learned counsel for the Government of Tamil Nadu for the first respondent.

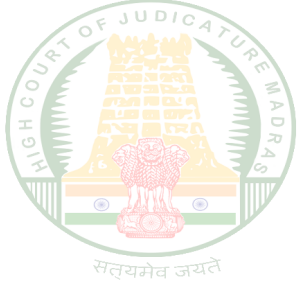
5. Though notice has been served on the *de-facto* complainant/second respondent and a learned counsel had entered appearance, there was no representation when the matter was called on 03.07.2026 and even today.



6. From the records, it is seen that an FIR was lodged at the instance of the second respondent against the petitioner in Crime No. 308 of 2022 for the offences under Sections 507 and 506(1) of IPC r/w 66 and 43(a)(b) of the Information Technology Act, 2000. On investigation, the first respondent found that the offences alleged in the FIR, except for the offences under Sections 294(b) and 506(i) of the IPC, were not made out.

7. As stated above, the allegation is that the petitioner spoke to the *de-facto* complainant/second respondent over phone and made an attempt to compromise the issue and persuaded the withdrawal of the complaint lodged by the second respondent against the petitioner's son-in-law. In fact, there is no allegation of any threat made by the petitioner even in the final report.

8. It is well settled that in order to attract the offence under Section 506(i) of the IPC, there must be a real threat. In this regard, we may refer to the observation of this Court in *Noble Mohandass vs. State*, reported in *1989 Cri.Lj 669* had held as follows:



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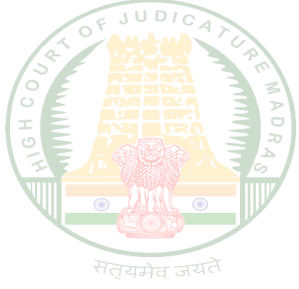
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“7. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually.”

The allegation in this case does not attract the offence of criminal intimidation.

9. Further, it is well settled that in order to attract the offence under Section 294(b) of the IPC, the accused must have done any obscene act or recited or uttered any song or words which are obscene in or near any public place. Even according to the prosecution, the conversation was made over telephone.

10. That apart, there is nothing to suggest that any obscene words were uttered. In this regard, we may refer to the observations made by the Hon'ble Supreme Court in *N.S.Madhanagopal and Another Vs. K.Lalitha* reported in (2022) 17 SCC 818 has held as follows:



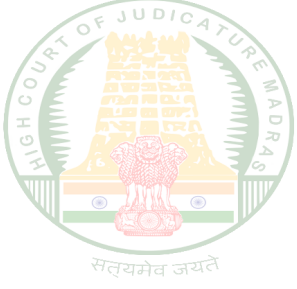
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“8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.

9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out.”

11. Since both the offences are not attracted on the allegations, the impugned final report cannot be sustained and accordingly quashed.



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12. In the result, this criminal original petition is allowed.

Consequently, the connected miscellaneous petitions are closed.

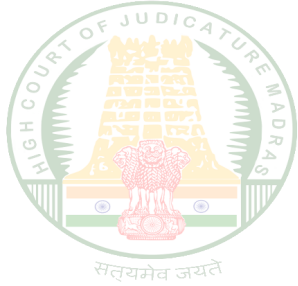
09-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

dk

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai - 600 118.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN J.

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