



CRL OP No. 15585 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

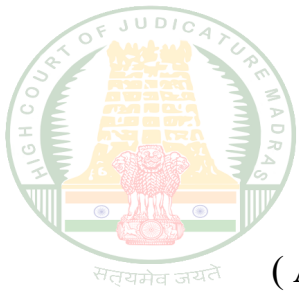
**CRL OP No. 15585 of 2023
and Crl.MP.Nos.9672 & 9673 of 2023**

1. Mani
S/o Ramasamy Gounder,
2. Mala
D/o R.Mani,
Both Are Residing At
No.4/214, Ulaggappa Gounder Thottam,
P.M.Palayam, Rasipuram Taluk, Namakkal
District 637407
3. Kavitha
W/o Venkateshan, D/o Mani,
Now Residing At
Villa No.196, Abu Humour, Doha-qatar
4. Prem Kumar
S/o Kandasamy, No.4/104, D.Attal, Company
Sangankadu, Kaveri Post, Rasipuram Taluk,
Namakkal District

..Petitioner(s)

Vs

1. Inspector Of Police
Namagiripet Police Station, Namakkal District
2. Duraisamy
S/o Ramasamy Gounder, Ulagappa Gounder
Garden, Iyyampalayam, Rasipuram Taluk,
Namakkal District.



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(Amended As Per Order Date 03/08/2023 In
Crl Mp No 11425/2023 In Crl Op No
15585/2023).

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to Call for the records relating in CC.257/2018 on the file of the learned Judicial Magistrate, Rasipuram and Quash the same by allowing this Crl.OP.

For Petitioner(s): Mr. C. Ramaraj
for Mr.R.Shase

For Respondent(s): Mr.A.Amarnath
Counsel for Government of Tamilnadu
(Crl.Side) for R1
R2- SERVED - NO APPEARANCE

ORDER

The petition is to quash the impugned final report filed for the offence under Sections 294(b), 341 and 506(ii) of the IPC.

2. The allegations in the final report is that the 1st petitioner, who is the brother of the defacto complainant along with his two daughters and his relative had wrongfully restrained the defacto complainant while he was driving his tractor by laying stones in the cart track, abused him in filthy language and also threatened him of dire consequences.



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3. The learned counsel for the petitioners would submit that the dispute relates to usage of cart track between brothers; that a civil dispute is sought to be given a criminal colour; that the allegations in any case would not constitute any of the offences alleged; that the offence alleged is trivial in nature; and that even if the offences are made out, considering the relationship between the parties and the nature of the dispute, the impugned final report may be quashed as the alleged occurrence took place almost eight years ago.

4. Heard the learned counsel for the Government of Tamil Nadu (Crl. Side), who reiterated the allegations in the final report and would state that though the defacto complainant is the brother of the 1st petitioner, the allegations discloses the offences alleged and therefore, points raised by the petitioners cannot be agitated in a quash petition and prayed for dismissal of the petition.

5. Though notice has been served on the defacto complainant/2nd respondent and his name printed in today's cause list, none has entered appearance on his behalf.

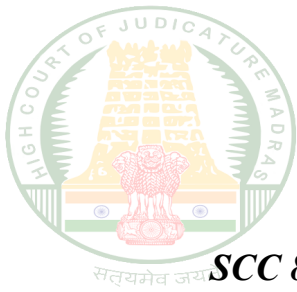


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6. The allegation in the final report as stated above is that the petitioners, who are closely related to the defacto complainant has restrained the defacto complainant from using the cart tract, abused him in filthy language and threatened him of dire consequences.

7. The 1st petitioner is the brother of the defacto complainant. The 2nd and 3rd petitioners are the daughters of the 1st petitioner and the 4th petitioner is their relative. The dispute is essentially civil in nature and between the siblings in respect of use of a cart track. The alleged occurrence is said to have taken place in the year 2018.

8. It is well settled that in order to constitute an 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 to the annoyance of others. Except for stating that the accused used filthy language, there is nothing to suggest that they had committed any obscene acts. In this regard, we may refer to the following observations made by the Hon'ble Supreme Court in *N.S.Madhanagopal and Another Vs. K.Lalitha* reported in (2022) 17



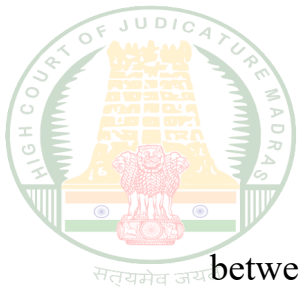
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SCC 818, which squarely apply to the facts of this case.

“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.”

9. As regards, the offence under Section 506(ii) of the IPC, it is seen that the alleged threat is not real, considering the relationship



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between the parties. It is well settled that unless there is a real threat, the offence of criminal intimidation would not be made out. 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:

“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.”

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

10. Admittedly, there has been a dispute with regard to the use of cart track. Considering the relationship between the parties, the fact that the alleged offence took place in the year 2018 and the fact that the defacto complainant had not chosen to appear inspite of receipt of notice, no useful purpose would be served by directing the parties to face trial only for the offence under Section 341 of the IPC, which is punishable with one month simple imprisonment. Further, the act of the petitioners



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would fall within Section 95 of the IPC, as the nature of the allegations are trivial and has caused slight harm which does not justify the prosecution. Therefore, for the above said reasons, this Court is inclined to quash the proceedings.

11. In the result, this criminal original petition is allowed. The final report in CC.No.257 of 2018 on the file of the learned Judicial Magistrate, Rasipuram, is quashed. Consequently, the connected miscellaneous petitions are closed.

24-07-2026

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

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SUNDER MOHAN, J.

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To

1. The Judicial Magistrate,
Rasipuram.

2. The Inspector of Police
Namagiripet Police Station,
Namakkal District

3. The Public Prosecutor,
High Court, Madras.

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