



Crl.O.P.No.31086 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.31086 of 2022
and Crl.M.P.Nos.19034 of 2022 & 1138 of 2023

Sudhakar
S/o. Ponnusamy, D.No.1/74, Kotrapatti Village,
Shanthapatti Post, Harur Taluk, Dharmapuri
District.

..Petitioner(s)

Vs

1. The Inspector Of Police
All Women Police Station, Harur, Dharmapuri
District.
Crime No. 10 / 2021.
2. Abinaya
W/o. Sudhakar, D/o. Veeramani,
D.No.1/335, Moppiripatti Village,
Harur Taluk, Dharmapuri District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating C.C.No.63 of 2022 on the file of the Learned Judicial Magistrate, Harur and quash the same by allowing this Criminal Original Petition.

For Petitioner(s):

Mr. J.Pradeep

For Respondent(s):

Mr.A.Gopinath
Government Advocate (Crl.Side) for R1
Mrs.R.Angalaparameswari for R2



CrI.O.P.No.31086 of 2022

ORDER

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This petition has been filed to quash the proceedings in C.C.No.63 of 2022, on the file of the learned Judicial Magistrate, Harur, thereby taken cognizance for the offences punishable under Sections 506(i), 498A of IPC as against this petitioner.

2. The petitioner got married to the second respondent on 21.06.2012 and gave birth to a male child. While being so, they have misunderstanding between them due to which, the second respondent lodged complaint alleging that the petitioner verbally abused the defacto complainant and accusation against her chastity with relatives and refused to give her dresses and son's dresses. On receipt of the said complaint, the first respondent registered the FIR in Crime No.10 of 2021 and after completion of investigation, they filed final report and the same has been taken cognizance in C.C.No.63 of 2022 for the offences punishable under Sections 506(i) & 498A of IPC, by the trial Court. To quash the said criminal proceeding, the petitioner filed the present petition.

3. The learned counsel appearing for the petitioner submits that no offence is made out as against the petitioner as per the allegation levelled as

Page 2 of 10



Crl.O.P.No.31086 of 2022

against him. Due to their wed lock, they have birth to a male child on 23.04.2013. During their marriage, the parents of the second respondent did not give any sridhana articles. In fact, the petitioner is a software engineer and earning decent salary from the reputed multinational company at Bangalore. As a husband, he discharged his marital obligations and also taking care of her in all needs. While being so, the second respondent without going to any job, addicted with alcohol. She always used to speak with her boy friends and uploaded the videos on instagram. She had illicit relationship with one Nivek Nishanth. When it was came to the knowledge, the petitioner questioned the same. Therefore, immediately the second respondent in order to escape from the clutches of law lodged the complaint. Even as per the allegation levelled in the charge sheet, the offence under Section 498A of IPC is not at all attracted as against the petitioner. That apart, the second respondent also filed domestic violence complaint and it is also pending. She also filed a divorce petition in H.M.O.P.NO.26 of 2021 and it is pending on the file of the Sub Court, Harur.

4. Per contra, the learned counsel appearing for the second respondent submitted that the second respondent has friends only and the petitioner wrongly understood that she is having illicit relationship with them. He wrongly suspected her fertility and without any reasons quarrelled with the

Page 3 of 10



Crl.O.P.No.31086 of 2022

second respondent. Further, the petitioner used the password of the second respondent cell phone and without her permission he had taken the photographs from her cell phone. It was amount to interference with the personal liability of the second respondent. Therefore, there are specific allegations as against the petitioner to attract the charge under Sections 498A and 506(i) of IPC and hence she prayed to dismiss the quash petition.

5. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that after completion of investigation, they filed final report and the same has been taken cognizance for the offences punishable under Sections 498A and 506(i) of IPC. He further submitted that all the grounds raised by the petitioner can be considered only during the trial.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. The petitioner is a sole accused and he is facing charges for the offences punishable under Sections 498A and 506(i) of IPC. On perusal of the statement recorded under Section 161 of Cr.P.C., from the second respondent, it is seen that all the allegations are trivial in nature and no serious allegations

Page 4 of 10



Crl.O.P.No.31086 of 2022

are made out as against the petitioner to attract the offences under Sections 498A and 506(i) of IPC. All the allegations are bald and vague and no specific allegation that too without mentioning any date or time of the alleged occurrence. Further she is also having illegal intimacy with another person and when it was questioned, it would not amount to interference with her personal liberty. It is unfortunate to state that when the second respondent is having illegal intimacy with another person and when the same was questioned by the petitioner, it would not amount to interference of her personal liberty and the said allegation cannot be accepted. The relevant portion of her statement is as follows :-

“.....அதன் பிறகு 26.02.2021 வீட்டுக்கு வந்து என்னிடம் பிரச்சினை செய்து என் செல்போன் மற்றும் கடிதத்தையும் எடுத்துக் கொண்டு என் தாத்தா காட்டாளிகவுண்டர் என்பவரிடம் கொடுத்து நான் வேறு பையனிடம் பேசுவதாக கூறியும் 02.03.2021ம் தேதி என் அப்பாவிற்கு SMS அனுப்பி என்னை மிரட்டினார். இது சம்மந்தமாக 12.04.2021ம் தேதி மீண்டும் காவல் நிலையம் சென்று என் கணவர் மீது நடவடிக்கை எடுக்க கேட்டேன். என் கணவருக்கு போன் செய்து பேசினார்கள். அவர் வெளியில் இருப்பதாக சொன்னார். பிறகு என் இரண்டு செல்போன்களில் உள்ள பாஸ்வேடு எண்ணை திருடி எனது தனிப்பட்ட விசியங்களையும்,



Crl.O.P.No.31086 of 2022

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கடிதத்தையும் வைத்து என்னை கேவலப்படுத்தி
மிரட்டியதால் தருமபுரி மாவட்ட கண்காணிப்பாளர்
அவர்களுக்கு மனு அனுப்பினேன்.....”

It clearly shows that the second respondent is having relationship with other persons and it was questioned by the petitioner who is being the husband of the second respondent. Therefore it would not amount to cruelty and the offence under Section 498A is not at all attracted as against the petitioner.

8. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the offence, threat and intention to cause an alarm are main ingredients. The third ingredient is that the intention must be to cause any person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the complainant.

9. In this regard, It is relevant to rely upon the judgment of this Court made in ***Crl.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-



CrI.O.P.No.31086 of 2022

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“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings.”

The above judgment squarely applicable to the present case. Therefore, the entire proceedings cannot be sustained as against the petitioner and it is nothing but clear abuse of process of law.



CrI.O.P.No.31086 of 2022

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10. Accordingly, the proceedings in C.C.No.63 of 2022, on the file of the learned Judicial Magistrate, Harur, is hereby quashed and the Criminal Original Petitions stands allowed. Consequently, connected Miscellaneous Petitions are also closed.

02.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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CrI.O.P.No.31086 of 2022

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To

1. The Judicial Magistrate,
Harur



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Crl.O.P.No.31086 of 2022

G.K.ILANTHIRAIYAN. J,

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