



WEB COPY

CRL OP No. 32279 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2026

CORAM

THE HON'BLE MRS.JUSTICE S.ALLI

CRL OP No. 32279 of 2025

and

CrI.M.P.Nos.22374 & 22376 of 2025

1. Venkatesan
S/o.Babu
2. Gautham
S/o.Babu,

Both are Residing at
No. 10, Thirumangaiahwar Street,
Sriperumbudur Taluk,
Kanchipuram District.

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police
Sriperumbudur,
Kanchipuram District.
2. The Inspector of Police
Sriperumbudur Police Station,
Kanchipuram District.
3. Haribabu
S/o.Ethiraj,

..Respondent(s)

Prayer : This Criminal Original Petition filed under Section 528 of BNSS to call for the records in S.C.No. 172/2024 pending on the file of the Learned Principal district and Sessions Judge, Kancheepuram and quash the same.

For Petitioner(s): Mr. S.Prakash



For Respondent(s): Mrs. R.S.Indira,
Gov. Advocate (crl.side)
for R1 & R2

Mr. R.Yuvaraj,
for R3

ORDER

This Criminal Original Petition has been filed to quash the S.C.No.172 of 2024 pending on the file of the learned Principal District and Sessions Court, Kancheepuram.

2. The case of the prosecution is that on 05.03.2014, the petitioners/A2 and A3 along with their uncle/A1, abused the 3rd respondent/defacto complainant by calling him by his caste name and informed him that they had given a complaint to the authorities/Government officials seeking to evict the second respondent from there. Hence, a complaint was lodged on 09.11.2023 and the same was registered as FIR in Crime No.1346 of 2023 under Sections 294(b) and 506(i) of IPC and Section 3(1)(r) and 3(1)(s) of the SC/ST Act. A Final report has been filed and the same was taken cognizance as S.C.No.172 of 2024.



3. The learned counsel for the petitioners would submit that the alleged occurrence took place on 05.03.2014, wherein the petitioners/A2 and A3 along with their uncle/A1, are alleged to have abused the third respondent by calling him by his caste name. However, the third respondent preferred the complaint only on 09.11.2023, after a lapse of nearly nine years and eight months, pursuant to which a case was registered in Crime No.1346 of 2023 for the offences under Sections 294(b) and 506(i) of IPC and Section 3(1)(r) and 3(1)(s) of the SC/ST Act.

4. It is further submitted that the first petitioner is an Engineering Graduate working in IT company and is preparing for competitive examinations for Government employment. The house of the 3rd respondent/defacto complainant is situated in the pathway leading to the petitioners' house, and the 3rd respondent/defacto complainant used to obstruct the pathway by parking his vehicles. When questioned by the petitioners, the 3rd respondent/defacto complainant lodged the present complaint against the younger members of the petitioners' family and allegedly threatened to destroy their careers. It is therefore contended that the complaint has been lodged with a malafide intention.



5. The learned counsel would further submit that though the F.I.R. contains the allegations under Sections 294(b) and 506(i) of IPC and Section 3(1)(r) and 3(1)(s) of the SC/ST Act, the materials collected during investigation do not disclose the essential ingredients of the alleged offences and there is no allegation either in the FIR or in the statements recorded under Section 161(3) Cr.P.C. to establish that the alleged occurrence took place in a public place or within public view, as required for attracting the provisions of the SC/ST Act. The ingredients of Section 506(i) of IPC are not made out, as there is no specific allegation of a threat intended to cause injury to the person, reputation or property of the defacto complainant. The allegations are vague and have arisen out of a longstanding dispute between the parties relating to the use of the pathway. Reliance is placed upon the judgment of the Hon'ble Supreme Court reported in 2026 SCC Online SC 466.

6. Per contra, the learned Government Advocate (Crl.side) appearing for the respondents, would submit that an admitted dispute has existed between the petitioners and the 2nd respondent from the year 2014 onwards and, therefore, the complaint came to be lodged on 09.11.2023. The FIR and the statements of the witnesses contain materials to attract Sections 294(b) and 506(i) of IPC and Section 3(1)(r) and 3(1)(s) of the SC/ST Act.



7. The learned counsel appearing for the third respondent/defacto complainant would submit that the defacto complainant had repeatedly sent complaints to the Police personnel, and the National Commission for Scheduled Castes/Scheduled Tribes. To substantiate the same, copies of the said complaints have been enclosed in the typed set of papers. He would further submit that the defacto complainant has specifically mentioned in his complaint that he was intentionally insulted and humiliated by the respondents on the ground of his caste and that there are sufficient materials to attract the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. He would also submit that photographs have also been enclosed to substantiate the allegations made in the complaint, which would prima facie show that the respondents had abused, insulted and intimidated the defacto complainant as he belongs to Scheduled Caste. Since there are materials available on record disclosing the commission of offences under the SC/ST Act, the proceedings cannot be quashed at this stage. as sought for by the petitioners.

8. This Court has carefully considered the rival submissions and perused the records.

9. The first and foremost circumstance which requires consideration is the



considerable delay in lodging the complaint. The alleged occurrence is stated to have taken place on 05.03.2014, whereas the complaint was lodged only on 09.11.2023, after a delay of nearly nine years and eight months. Though the existence of a dispute between the parties is not in dispute, the materials placed before this Court do not satisfactorily explain such an extraordinary delay. The delay, coupled with the admitted background dispute between the parties, creates a serious doubt regarding the prosecution case.

10. Insofar as Section 294(b) is concerned, the materials do not disclose the essential ingredients of the offence. There is no specific averment in the FIR or in the statements recorded under Section 161(3) Cr.P.C. to demonstrate that the alleged words were obscene in nature, were uttered in or near a public place and it caused annoyance to the defacto complainant or others, so as to constitute the offence contemplated under the said provision.

11. With regard to Section 506(i) IPC, the allegation is that the accused threatened the complainant by stating that they would eliminate him or drive him away. However, the materials do not disclose a specific and deliberate threat of the nature contemplated under the provision, intended to cause alarm to the defacto complainant or to compel him to do or omit any act. The



allegations, viewed in the context of the longstanding dispute between the parties, do not prima facie satisfy the essential ingredients of criminal intimidation. Mere angry words or a vague threat, without the requisite intention, are not, by themselves, sufficient to attract the offence under Section 506(ii) IPC.

12. As regards Section 3(1)(r) and 3(1)(s) of the SC/ST Act, the accused must be shown to have intentionally insulted or intimidated the victim on account of his caste, or abused him by his caste name, in a place within public view, as required by the statute. In the present case, the 3rd respondent/defacto complainant has not specifically stated in the complaint as to where the alleged occurrence took place or that the same was witnessed by members of the public. There is no whisper in the complaint or statements that he was intentionally insulted or intimidated by the accused, The statements of the witnesses also do not disclose the necessary circumstances to establish that the alleged incident occurred within public view.

13. Further, the materials do not contain any specific averment that the alleged act was committed with the requisite intention on account of the caste of the complainant. The mere allegation of use of a caste name, without the



necessary statutory circumstances and supporting material, is insufficient to attract the provisions of the SC/ST Act. It is also relevant that the dispute between the parties admittedly relates to the use of the pathway and has been continuing for several years. The complaint appears to have been lodged subsequently in the background of the said dispute. On a careful consideration of the entire materials, this Court finds that the allegations in the FIR, even if taken at their face value, do no prima facie disclose the commission of the offences alleged against the petitioners.

14. The Hon'ble Supreme Court in the case of *Chinthada Anand Vs. State of Andhra Pradesh & others* reported in *2026 SCC Online SC 466*, has reiterated that where the allegations made in the complaint and the materials collected during investigation do not disclose the commission of any offence, continuation of the criminal proceedings would amount to an abuse of the process of law.

15. In the present case, having regard to the unexplained delay of nearly nine years and eight months, the admitted background of dispute between the parties, and the absence of the essential ingredients of the offences alleged, this Court is of the view that permitting the criminal proceedings to continue would



serve no useful purpose and would amount to an abuse of process of law.

Therefore, this Court is inclined to exercise its inherent jurisdiction under Section 482 Cr.P.C., to secure the ends of justice.

16. Accordingly, this Criminal Original Petition is allowed and the proceedings pending before the Principal District and Sessions Court, Kanchipuram in S.C.No.172 of 2024, insofar as the petitioners are concerned are quashed. Consequently, connected miscellaneous petitions are closed.

20-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP



To

1. The Deputy Superintendent of Police
Sriperumbudur,
Kanchipuram District.
2. The Inspector of Police
Sriperumbudur Police Station,
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.



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S.ALLI, J.

MRP

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