



Crl.R.C.(MD)No.542 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2026

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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S.A.Saravanamuthu

... Petitioner

Vs

1. Maria Pushpam
D/o.Kovil Pillai

2. Selvi
D/o/Yesuraj

3. Mariadass @ Arunkumar
S.o.Rasaiya

4. The Inspector of Police
Thevarkulam Police Station
Tirunelveli District.

... Respondents

Prayer: This Criminal Revision Case filed under Section 397 r/w.401 of Cr.P.C., to call for the records relating to the order dated 08.01.2016 passed in Crl.A.No.55 of 2014 on the file of the III Additional District and Sessions Judge, Tirunelveli, confirming the order dated 19.02.2014 passed in C.C.No.161 of 2012 on the file of Judicial Magistrate No.III, Tirunelveli and set aside the same as illegal and pass such further or other orders.



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For Petitioner	: Mr.R.J.Karthick
For Respondent Nos.1 to 3	: Mr.T.Selvan
For Respondent No.4	: Mr.A.Thiruvadikumar Additional Public Prosecutor

ORDER

Heard Mr.R.J.Karthick, learned Counsel for Revision Petitioner, Mr.T.Selvan, learned Counsel for Respondent Nos.1 to 3 and Mr.Thiruvadikumar, learned Additional Public Prosecutor.

2. The present Criminal Revision case has been filed to set aside the order of learned III Additional District and Sessions Judge, Tirunelveli, dated 08.01.2016 in Crl.A.No.55 of 2014 confirming the judgement passed by Judicial Magistrate No.III, Tirunelveli dated 19.02.2014 in C.C.No.161 of 2012.

3. The petitioner herein is the de-facto complainant. The 1st and 2nd Respondents herein committed offences punishable under sections 427, 294(b), 506(ii) of IPC and Respondent No.3 committed offences punishable under Sections 427, 294(b), 506(ii) of IPC r/w.109 of IPC.



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4. It is the case of the petitioner that on 23.11.2011, at around 02.00 p.m., petitioner had gone out of station. During that time, respondent Nos.1 to 3 herein allegedly damaged the petitioner's compound wall using a crowbar, damaged the thatched shed, and also damaged the pipeline. When the petitioner returned around 6:30 p.m. on the same day and inquired with respondent Nos.1 to 3 about the same, they allegedly abused the petitioner attracting Section 506(ii) of IPC.

5. In view thereof, a complaint was filed on 26.11.2011, i.e., three days after the alleged occurrence, and an FIR came to be registered on 28.11.2011. The Trial Court, after considering the evidence on record, found that P.W.6 had deposed that it was the revenue officials who had cleared the alleged encroachments and that respondent Nos.1 to 3 herein had nothing to do with the alleged damage to the compound wall.



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6. Insofar as the offence under Section 294(b) is concerned, the trial Court even assuming that allegations are true, found it may not attract Section 294(b) of IPC inasmuch as Section 294(b) requires singing, reciting, or uttering obscene songs, ballads, or words in or near a public place. Alleged occurrence took place in residence of respondents. Therefore, one of the essential ingredients, namely that the alleged acts constituting the offence under Section 294(b) of IPC must be uttered in or near a public place, may not stand satisfied. In this regard, it may be relevant to note that even this Court in 2002 Criminal Law Journal 1420 (Saraswathi Vs. State) had held that offence under Section 294(b) of IPC cannot be made out for uttering words in a private garden which was not a public place. In the present case, the alleged words were not uttered in any public place as found by Trial Court, thus does not warrant interference. Trial Court also found the threat was intended not with the view to cause any alarm to the complainant and it could be seen from the following extract:

“22.அதேபோல் 1,2 எதிரிகள் மீது அரசு தரப்பில் சுமத்தப்பட்ட குற்றச்சாட்டான பிரிவு 506(ii)IPC படியான குற்றத்தை பொறுத்தவரையில் ஒருவர் குற்றமுறு மிரட்டல் குற்றம் செய்யும் பொழுது அந்த மிரட்டல், அச்சுறுத்தலானது, மரணத்தை அல்லது கொடுங்காயத்தை ஏற்படுத்த அல்லது தீயினால் ஏதாவது ஒரு சொத்தின் அழிவை ஏற்படுத்த அல்லது மரணம் அல்லது



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ஆயுள் சிறைத்தண்டனையுடன் அல்லது ஏழு ஆண்டுகள் வரை நீடிக்கும் சிறைத்தண்டனையுடன் தண்டிக்கக்கூடிய ஒரு குற்றத்தை புரிய இருக்குமானால் அவரை இப்பிரிவின் கீழ் தண்டிக்கப்படலாம். அ.சா.1ன் சாட்சியத்தை பார்க்கையில் 1,2 எதிரிகள் அ.சா.1ஐ அசிங்கமாக பேசி கொலை மிரட்டல் விடுத்ததால் தனக்கு உயிர்பயம் ஏற்பட்டது என்று குறிப்பிட்டு சாட்சியம் அளிக்கப்படவில்லை. அதனால் 1,2 எதிரிகள் மீது சுமத்தப்பட்ட பிரிவு 506(ii) IPC படி எதிரிகள் தண்டிக்கத்தக்க குற்றவாளி அல்ல என்று இந்நீதிமன்றம் தீர்மானிக்கிறது.□

7. Before an offence of criminal intimidation can be made out, it must be established that the accused had an intention to cause an alarm to the complainant. Mere threats given by the accused not with an intention to cause alarm to the complainant, but with a view to deterring him from interfering with what the accused believed to be his exclusive right of passage through the door would not constitute an offence of criminal intimidation. The delay in lodging the complaint may reasonably operate as a reasonable doubt entailing acquittal.

8. In this regard, it may also be relevant to take note of the judgment of the Supreme Court in the case of *Manik Taneja vs State of Karnataka* reported in *2015(7) SCC 423*. The relevant portion of the judgement is extracted hereunder:



"13. Section 506 IPC prescribes punishment for the offence of criminal intimidation. "Criminal intimidation" as defined in Section 503 IPC is as under:-

"503. Criminal Intimidation.- Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that 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, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.- A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section."

A reading of the definition of "Criminal intimidation" would indicate that there must be an act of threatening another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do".



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9. It was also found that there is no material evidence to show the value of property alleged to have been damaged. This would be evident from the following finding:

“21. அதேபோல் 1,2 எதிரிகள் மீது சுமத்தப்பட்ட குற்றச்சாட்டான பிரிவு 427 IPC படியான குற்றத்தை பொறுத்தவரையில் ஒருவர் ரூபாய் ஐம்பது மற்றும் அதற்கு மேற்பட்ட தொகை மதிப்புள்ள சேதத்தை சொத்தழிப்பினால் ஏற்படுத்துவதை தண்டிக்கப்படுதல் வேண்டும் என்று சொல்லப்பட்டுள்ளது. இதை பொறுத்து அ.சா.1ன் சாட்சியத்தை பாக்கும் பொழுது சேதம் ஏற்படுத்திய சொத்துக்களின் மதிப்பு குறித்து சாட்சியம் அளிக்கப்படவில்லை.□

10. Aggrieved, the petitioner herein had preferred an appeal. However, before the Appellate Court, the petitioner had not appeared and the Appellate Court had confirmed the order of acquittal passed by the Trial Court after finding that on perusal of the material on record, none of the alleged offences have been made out.

11. It is trite that against order of acquittal, the High Court's power of interference is fairly limited, it cannot convert an order of acquittal into one of conviction. The power of the High Court is limited to direct the trial Court to conduct a re-trial in exceptional cases.¹ The question would arise if the offences

¹ Vimal Singh vs Khuman Singh and another reported in (1998) 7 SCC 223



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are so serious or if is there any glaring irregularity or infirmity in the manner in which both the Courts below have passed the orders which warrants a re-trial.

This court would think that this may not be a case which would warrant a direction for a re-trial inasmuch as the findings are essential findings of the fact and that has been rendered after appreciation of evidence.

12. In view thereof, this Court finds that the orders of the courts below does not warrant any interference. Accordingly, this Criminal Revision case is **disposed of**. No costs.

26.02.2026

Index :yes/No
Internet:yes/No
gvn

To

1.The III Additional District and Sessions Judge,
Tirunelveli.

2. The Judicial Magistrate No.III, Tirunelveli

3.The Inspector of Police,
Thevarkulam Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MOHAMMED SHAFFIQ,J.

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