

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.16014 OF 2016

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in Crime No.128 of 2016 of Kadapa II Town Police Station, Kadapa, registered for the offences punishable under Sections 509 and 506 of I.P.C.

The brief allegations made in the complaint are that on 20-9-2016, when defacto complainant was proceeding Madarasu, she raised her hands to stop the car of the petitioner and petitioner did not heed to the request and reversed the car and thereby, mud was spread on the body of the defacto complainant . The Petitioner allegedly abused the defacto complainant in filthy language and while she was proceeding, petitioner kicked her and abused her in filthy language.

The only ground urged in the present petition is that the allegations would not attract the offences punishable under Sections 506 and 509 of I.P.C. and that the complaint is malafide and it is nothing but abuse of process of law.

Learned Public Prosecutor contended that the facts would attract the offences punishable under Sections 506 ad 509 of I.P.C. and prayed to dismiss the petition.

As seen from the allegations made in the petition, the petitioner abused defacto complainant in a filthy language.

Section 506 of I.P.C. deals with punishment for criminal intimidation.

Section 506 of I.P.C. defined the word "Criminal Intimidation".

Section 506 reads as follows:

"Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 2[imprisonment for life] or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

Here the petitioner allegedly abused the defacto complainant in filthy language and this would injure the reputation of the person i.e., defacto complainant and kicking and abusing her in filthy language would fall within ambit of the Section 506 of I.P.C. and 509 of I.P.C. deals with abuse of the word, gesture or act intended to insult the modesty of a woman.

But the abusive language used against the defacto complainant would certainly amounting to abusing the modesty of a woman and therefore, the facts on its face value would constitute the offences punishable under Sections 506 and 509 of I.P.C. in view of the

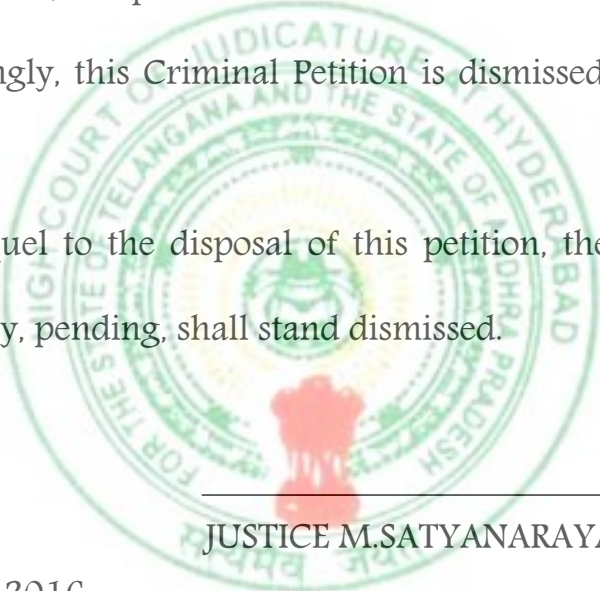
guideline No.1 in a reported decision of the apex court in *HARYANA v. BHAJAN LAL* (¹) which held as follows:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

Therefore, I find no ground to quash the proceedings in Crime No.128 of 2016 of Kadapa II Town Police Station, Kadapa at this stage and as such, this petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed at the stage of admission.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



JUSTICE M.SATYANARAYANA MURTHY

Dated 15-11-2016.

Dvs.

¹ 1992 Supplement (1) SCC 335

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Dvs