

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.20940 of 2012

and

M.P.No.1 of 2012

S.Sengol
S/o.Soosai

..Petitioner

Vs.

1.State represented by
Inspector of Police,
B-9 Saravanampatti Police Station,
Coimbatore.
Crime No.759 of 2011

2.J.Glory
W/o.P.John Britto

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.77 of 2012 on the file of learned Judicial Magistrate II, Coimbatore and quash the same.

For Petitioner : Mr.K.Nagendra Prasad

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate [Crl.side][R1]
Mr.T.Munirathinam [R2]

ORDER

Petitioner seeks quash of proceedings in C.C.No.77 of 2012 on the file of learned Judicial Magistrate II, Coimbatore.

2. Second respondent has preferred a complaint with the first respondent informing that owing to wrong doings by petitioner and others in purchase of property by her husband, he had preferred a complaint leading to police from Bangalore being in search of petitioner and others. Angered thereby, petitioner called the second respondent over phone and abused her touching upon her chastity and also threatened her. On her complaint, a case was registered in Crime No.759 of 2011 on the file of first respondent for offences u/s.294(b) and 506(i) IPC. Pursuant to investigation, charge sheet was filed informing commission of such offences and the case is pending trial in C.C.No.77 of 2012 on the file of learned Judicial Magistrate II, Coimbatore. Challenging the same, the present revision has been filed.

3. Heard learned counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and learned counsel for second respondent.

4. This Court has quashed proceedings against three other accused in the case under orders in Crl.O.P.No.7411 of 2012 dated 06.07.2012.

5. Even if the prosecution allegations be taken as true, no offence u/s.294(b) IPC would stand attracted since admittedly such offence has been committed during the course of a telephonic conversation.

6. Section 503 IPC defines 'criminal intimidation' as follows:

“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.”

7. The threat allegedly issued in this case translates to 'see what I will do to you'. This cannot be read as a threat to the second respondent 'person'. An abusive word over telephone i.e., in an one to one conversation cannot amount to a threat or injury to second respondent's reputation as one's reputation can be sullied only in the sight or hearing of a third person. There is no accusation of injury to property. Hence, charge u/s.506(i) IPC would not stand.

C.T.SELVAM, J

gm

The Criminal Original Petition shall stand allowed. The proceedings in C.C.No.77 of 2012 on the file of learned Judicial Magistrate II, Coimbatore, shall stand quashed. Connected miscellaneous petition is closed.

14.03.2017

Index:yes/no
Internet:yes/no
gm/sai

To

- 1.The Judicial Magistrate II,
Coimbatore.
- 2.The Inspector of Police,
B-9 Saravanampatti Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.20940 of 2012

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