



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).No.11030 of 2014

and

M.P.(MD) Nos.1 and 2 of 2014

Abdul Agis

..Petitioner/Petitioner/Accused

Vs.

1.State through

The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.
Crime No.19 of 2014

...1st Respondent/Complainant

2.C.Rajagopal

..2nd Respondent/Defacto-Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in S.T.C.No.1236 of 2014 on the file of the Judicial Magistrate, Senkottai and quash the same.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.K.Dinesh Babu, APP for R1

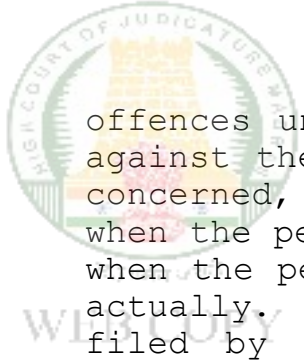
No appearance for R2

ORDER

This quash petition is filed to quash the criminal proceedings in S.T.C.No.1236 of 2014 on the file of the Judicial Magistrate, Senkottai, having taken cognizance for the offence under Sections 294(b) and 506(i) of I.P.C. as against the petitioner.

2.The case of the prosecution is that on 05.02.2014 at about 06.00 p.m., while the defacto complainant/R2 was standing at the bus stop, the petitioner alleged to have dashed against him and thereby abused him with filthy language due to previous enmity in respect of sharing the money in the real estate business. Therefore, the first respondent registered a case in crime No.19 of 2014 for the offence under Section 294(b) and 506(1) of I.P.C. as against the petitioner/accused.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a sole accused in this case. The ingredients of the offence under Section 294(b) and 506(i) of I.P.C. are not made out as against the petitioner. The charge does not show the obscene words, which were uttered by the accused and no one even whisper about the filthy words uttered by the accused as against the defacto complainant/second respondent. Therefore, the



offences under Section 294(b) of I.P.C. is not at all made out as against the petitioner herein. As far as Section 506(i) of I.P.C. concerned, the threat should be a real one and not just a mere word, when the person uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. He would further submit that on the private complainant filed by the defacto complainant/second respondent, the learned Judicial Magistrate directed the first respondent to register the case. Therefore, he prayed for quashment of the entire proceedings.

4. There is no representation on behalf of the second respondent/complainant.

5. The learned Additional Public Prosecutor would submit that there are materials to connect the accused/petitioner to proceed with the trial. At the initial stage of trial, the entire proceedings cannot be quashed on its threshold and he sought for dismissal of the quash petition.

6. Heard the learned counsel appearing for the petitioner and perused the materials available on records.

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.

8. Accordingly, this criminal original petition is allowed and the criminal proceedings in S.T.C.No.1236 of 2014 on the file of the Judicial Magistrate, Senkottai is quashed as against the petitioner. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Judicial Magistrate,
Senkottai.

2.The Inspector of Police,
Achanpudur Police Station,
Tirunelveli District.

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

+1CC to Mr.G.Karuppasamy Pandian, Advocate, SR.No.85969

Cr1.O.P. (MD) .No.11030 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014
19.09.2018

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ES/SKN/RSK/SAR 4/25.10.2018/3P/5C