

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.No.667 of 2018

ORDER

This petition under Section 482 of Cr.P.C., is filed to quash the proceedings in C.C.No.514 of 2017 on the file of VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offence punishable under Section 506 IPC against the petitioner/accused.

2. The second respondent Smt Shakira Begum lodged a report with the police alleging that she made a complaint before the GHMC department regarding illegal constructions on appurtenant land which is common place of their apartment, and on her complaint, when GHMC staff came to demolish, the petitioner threatened her by abusing in filthy language. On the strength of the complaint, the police obtained permission to investigate into the case since the offence under Section 506 IPC is non-cognizable.

3. The main contention of petitioner is that the allegations made in the complaint and the statements recorded under Section 161(3) of Cr.P.C., do not constitute the offence punishable under Section 506 IPC.

4. The counsel for petitioner has reiterated the said contention. Though notice was sent to the second respondent, the same was returned as unclaimed and therefore, it is deemed to have been served in view of Section 27 of General Clauses Act.

5. As seen from the allegations in the charge sheet, it is clear that there is open land near by the apartment where petitioner and second respondent are living and an illegal construction was raised in the common area of its appurtenant land. Thereupon, the second respondent gave a complaint to GHMC department, and on her complaint, when the staff of the department came to demolish the said construction, the

petitioner threatened the second respondent with dire consequences by abusing her in filthy language. The relevant portion of the charge sheet is extracted as under:

“On 01.05.2017 at 0930 hours, received a complaint of Smt. Shakira Begum w/o.Fazlur Rahman, age;45 years, Occ;House wife R/o.H.No.10-3-521/18, B59/F2, Vijay Nagar Colony, Asif Nagar, Hyderabad, in which she stated that on 12.04.2017 she came to police station and she had complaint to against the GHMC department regarding illegal constructions on appurtenant land which is common place of their apartment, on her complaint GHMC staff came to demolish, then Mr. Shaista Mansoor has threatened her and used bad language, she has taken video and audio graphs of the above incident on 25.03.2017 at about 1330 hours. Hence she requested to take necessary action against them”.

6. As per the allegations made in the statement of the second respondent recorded under Section 161(3) of Cr.P.C., it is specific that the petitioner abused her in filthy language and video and audio graphs of the said incident are available with her. Similarly, L.W.2, Fazlur Rahman, who is the husband of the second respondent, also stated that the petitioner abused his wife in filthy language. But, abusing the second respondent in filthy language does not constitute the offence of criminal intimidation as defined under Section 503 IPC, which reads as under:

“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 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 this execution of such threats, commits criminal intimidation.”

7. Therefore, in view of the definition of Section 503 IPC, the alleged act of abusing the second respondent in filthy language does not amount to an offence of criminal intimidation. Hence, I find no *prima facie* material

to proceed against the petitioner. Consequently, the proceedings are liable to be quashed.

8. In the result, the Criminal Petition is allowed quashing the proceedings in C.C.No.514 of 2017 on the file of VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, against the petitioner/accused. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

9th August, 2018

sj

