



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.22106 of 2014

and

MP(MD)No.1 of 2014

T.Manikandan

... Petitioner / Accused

Vs.

1.The State, rep.by
The Inspector of Police,
Villur Police Station,
Thirumangalam, Madurai District.
(Cr.No.36 of 2012)

2.V.Pavadiyan

... 2nd Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C No.15 of 2014 on the file of the District Munsif cum Judicial Magistrate, Peraiyur and quash the same.

For Petitioner : Mr.J.Jeyakumaran

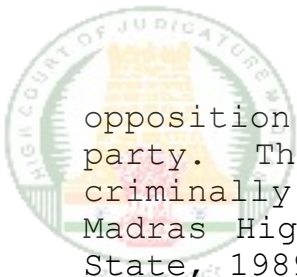
For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

No appearance for R2

ORDER

The petitioner is facing trial in C.C No.15 of 2014 on the file of the District Munsif cum Judicial Magistrate, Peraiyur for the offences under Sections 294(b) and 506(i) IPC. The second respondent is the defacto complainant. On 30.06.2012, when free mixies, grinders and fans were distributed by the revenue officials, the petitioner is said to have abused the beneficiaries and when the defacto complainant involved, the petitioner is said to have criminally intimidated the defacto complainant also. Hence, the second respondent herein lodged information with Villur Police Station leading to registration of Crime No.36 of 2012. Investigation was undertaken and final report was filed and the same was taken cognizance in C.C No.15 of 2014. To quash the same, this petition has been filed.

<https://hcservices.courtsgov.in/hcservices/> It is not in dispute that the petitioner belongs to



opposition party while the defacto complainant belongs to the ruling party. The petitioner is said to have used abusive expressions and criminally intimidated the second respondent herein. The Hon'ble Madras High Court in the decision reported in Noble Mohandass Vs. State, 1989 Cri.L.J. 669 held as under:

"7.As far as the offence under Section 506(2) is concerned, the learned counsel for the revision petitioner contended that the threat was not a real one, that it was of the kind of words which are currently and frequently used by people when they are angry and that further the threat was not spoken to by P.W.3 and P.W.4 who by that time had already come to the scene of occurrence. It is, in fact, found from the records that the threat would have been lashed out after P.Ws. 3 and 4 came to the place and separated both the husband and wife. Therefore, the evidence of P.W.1 should have been corroborated by the evidence of P.W.3 and P.W.4 who were necessary witnesses to the occurrence. Since they did not corroborate the testimony of P.W.1 in this aspect, the offence cannot be held to be proved. Further for being an offence under Sec. 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exact mean what he says and also when the person at whom threat is launched does not feel threatened actually. In fact P.W.1 when she filed the complaint to the police officer, did not express any fear for her life nor asked for any protection. Therefore, the offence under S. 506(2) is not made out."

3.The defacto complainant was an elected councillor and subsequently became vice president of the local body. It is not his case that he felt threatened by the words uttered by the petitioner. As held by the Madras High Court in the aforesaid decision, to attract the offence under section 506(i), the threat must be a real one. Taking note of the facts and circumstances, one can clearly see that in the heat of the moment, some inappropriate expressions must have been used by the petitioner and that cannot constitute a real threat. In this view of the matter, the impugned proceedings stand quashed. This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Munsif cum Judicial Magistrate, Peraiyur.

2.The Inspector of Police, Villur Police Station,
Thirumangalam, Madurai District.

+1 CC to M/s.J.JEYAKUMAR, Advocate (SR-87276[F] dated 18/09/2019)

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JMN(30.10.2019) 3P : 4C