



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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CRL.O.P. (MD)No.1937 of 2015 and
M.P. (MD)Nos.1 and 2 of 2015

1. N.Eswari
2. A.Nehru
3. M.Murugesan
4. M.Karuppasami
5. M.Subramani
6. M.Sakthivel

... Petitioners/ Accused Nos.1 to 6

Vs.

S.Ramakrishnan

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.203 of 2014 on the file of the Judicial Magistrate, Manaparai and quash the same.

For Petitioners : Mr.S.Ravi

For Respondent : No appearance.

ORDER

The petitioners herein are figuring as accused in C.C. No.203 of 2014 on the file of the Judicial Magistrate, Manaparai.

2. Heard the learned counsel on either side.

3. A private complaint has been instituted by the respondent herein. The same was taken on file by the Court below for the offences under Sections 147 and 506(2) of I.P.C.

4. I went through the contents of the private complaint. Even according to the complainant, he did not suffer any injury. The offence of Section 506(2) of I.P.C. will be attracted only if it can be shown that the threats held out by the accused was a real one. The Madras High Court in the decision reported in (1988) L.W.(CrI.) 178 (Noble Mohandass V. State) held as follows:-

"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 Section 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 not exactly 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 Section 506(2) is not made out."

Applying the aforesaid ratio, I am of the view that the offence under Section 506(2) of I.P.C. is clearly not attracted in this case.

5. The petitioners are said to have campaigned in the local body elections. Gathering of a group of persons on such occasions cannot be said to constitute an unlawful assembly. Therefore, Section 147 of I.P.C. is also not attracted.

6. The impugned proceedings stand quashed. The Criminal Original petition stands allowed. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

pmu

To

1. The Judicial Magistrate, Manaparai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



+1 CC to M/s.J.ANAND KUMAR, Advocate (SR-89335[F] dated
25/09/2019)

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JM/25.10.2019/3P/4C