



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.8129 of 2015

and

MP(MD)Nos.1 & 2 of 2015

Senthilkumar

... Petitioner/Accused No.2

Vs.

1.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.

2.M.Ramakrishnan

... Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceeding in C.C No.240 of 2014 on the file of the Judicial Magistrate No.II, Dindigul.

For Petitioner : Mr.R.Maheswaran

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

ORDER

The petitioner is shown as A2 in C.C No.240 of 2014 on the file of the Judicial Magistrate No.2, Dindigul. The second respondent is the defacto complainant in this case. The defacto complainant as well as the accused are said to be journalists and are members of the Tamil Nadu Journalists Association.

2.It appears that the petitioner and the other two accused were expelled from the association. Therefore, on the occurrence date ie., 04.02.2013 at about 06.00 P.M, the accused are said to have gone to the office of the defacto complainant and uttered certain offensive expressions. This led to the registration of Crime No.355 of 2013 on the file of the Dindigul Town North Police



Station. Investigation was undertaken and final report was filed and cognisance of the offences under Sections 341, 294(b) and 506(i) IPC was taken in C.C No.240 of 2014 on the file of the Judicial Magistrate No.II, Dindigul. To quash the same, this criminal original petition has been filed.

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3.A mere reading of the statements recorded under Section 161 of Cr.Pc would indicate that except mere utterance of certain words, nothing else is attributed to the accused. The defacto complainant did not suffer any injury. The threat held out by the petitioners does not appear to be a real one. In any event, the defacto complainant has not nowhere claimed that he felt intimidated by the acts of the accused. 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."

4.It appears that the expulsion of the petitioners from the membership of the association in question has been given a criminal colour. I am of the view that continuation of the impugned prosecution would only amount to an abuse of legal process. In this view of the matter, the same stands set aside. This criminal



original petition stands allowed. The benefit of this order will enure not only in favour of the petitioner but also the other two accused also. Connected miscellaneous petitions stand closed.

Sd/-
Assistant Registrar(CS-III)

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/TRUE COPY/

Sub Assistant Registrar

Skm

To

1.THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2.THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R. MAHESWARAN, Advocate (SR-91101[F] dated
03/10/2019)

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01.10.2019

JM/25.10.2019/3P/5C