



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.19097 of 2019

and

Crl.M.P. (MD) Nos.11221 and 11222 of 2019

- 1.Sekar @ Rajasekar
- 2.Kumar @ Kattaikumar
- 3.Dharmadurai
- 4.Manohar

... Petitioners/Accused 1 to 4

-vs-

1. The Inspector of Police,
Matthur Police Station,
Pudukkottai District.
(Crime No.62 of 2019).

... 1st Respondent/Complainant

2. Chellapandiyan

... 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the record relating to proceedings in C.C.No.137 of 2019 on the file of the learned Judicial Magistrate, Keeranor and may quash the same with respect to these petitioners.

For Petitioner: Mr.A.Balakrishnan

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : No appearance

O R D E R

The petitioners are facing trial in C.C.No.137 of 2019 on the file of the learned Judicial Magistrate, Keeranur for the offences under Sections 341, 294(b), 323, 506(i) of IPC.

2.The second respondent is the defacto complainant. Eventhough he has been served and his name is printed in the cause list, there is no appearance or representation on his behalf.

3.Heard the learned counsel for the petitioners and the learned Government Advocate.

<https://hcservices.ecourts.gov.in/hcservices/>



4.I carefully went through the entire material on record. It is seen that the defacto complainant is an office bearer in a political party. He alleged that on 18.04.2019 at about 2.45 p.m., during election time, when the complainant was returning home, he was attacked by the petitioners herein. In his statement recorded under Section 161 of Cr.P.C., he admits that he did not suffer any injury and that he did not go to any Doctor. The defacto complainant alleges that the petitioners herein had criminally intimidated him.

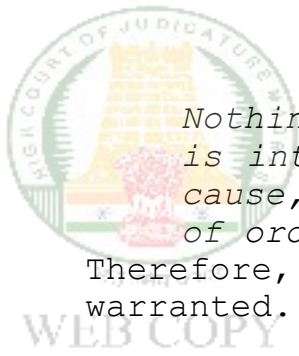
5.It has been consistently held that Section 506(ii) of I.P.C. can be invoked, only if it is shown that the threat held out by the accused is real and substantial. The Madras High Court in the decision reported in (1988) L.W.(Crl.) 178 (Noble Mohandass V. State) held as follows:-

"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."

6. On a careful reading of the defacto complainant statement, one can come to conclusion that a petty quarrel has given rise to the impugned prosecution.

7.I am of the view that it is a case in which Section 95 of IPC can very well be invoked. Section 95 of IPC reads as follows:

"95. Act causing slight harm -



Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."

Therefore, the continuation of the impugned prosecution is not warranted.

8. Accordingly, the proceedings in C.C.No.137 of 2019 on the file of the learned Judicial Magistrate, Keeranur is quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate, Keeranoor, Pudukottai District.
2. The Inspector of Police,
Matthur Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-11607[F] dated 13/03/2020)

PNN

TE : 06/05/2020 : 3P/5C

Crl.O.P. (MD) No.19097 of 2019
12.03.2020