



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

CRL.O.P.NO.25388 OF 2017

AND

CRL.M.P.NOS.14616 & 14617 OF 2017

1.Ezhilarasi

2.Vijay Ananth

... Petitioners

Vs.

Rajasekaran

... Respondent

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.826 of 2017 pending on the file of the Judicial Magistrate No.I at Tiruppur, and quash the same.

For Petitioners: Mr.R.Thirumoorthy

For Respondent : Mr.Udhayakumar
for M/s.Karan and Uday

O R D E R

This Criminal Original Petition has been filed to quash the complaint in S.T.C.No.826 of 2017 pending on the file of the Judicial Magistrate No.I at Tiruppur, for the offences under Sections 294(b) and 506(i) IPC.

2.The complainant is the husband of the 1st accused. On account of some family disputes between the couple, the 1st accused/wife and her parents, along with the 2nd accused/brother-in-law of the de facto complainant, had started torturing the de facto complainant and his children and also abused him and threatened him of dire consequences, causing criminal intimidation. Hence, the complaint.

3.Heard the learned counsel on either side and also perused the entire materials available on record.



4. On a perusal of the complaint, it is seen that there is no mention about the nature of abusing/obscene words uttered by the accused. In the complaint, it is stated that, on 24.07.2016, the accused called the de facto complainant over phone and threatened him that they will do away with the de facto complainant and the child. Except that, there is no other allegation made in the complaint. The entire allegations clearly indicate that the private complaint is a result of matrimonial dispute. Though there appears some allegations as to threat, mere coining of certain words in the complaint in order to attract the ingredients of the offence, is not sufficient, unless the threat is a real one, which causes apprehension to the mind or body or danger to the life of the person. This Court therefore holds that an empty threat, without material to show that the threat is a real one, would not constitute an offence under Section 506(i) IPC. Therefore, this Court is of the view that, mere inclusion of certain words to attract the ingredients of the offence of threat, out of frustration in matrimonial disputes, would not constitute the offence. Therefore, the complaint is liable to be quashed.

5. Accordingly, this Criminal Original Petition is allowed and as a sequel, the proceedings in S.T.C.No.826 of 2017 pending on the file of the Judicial Magistrate No.I at Tiruppur, is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mkkn

To

The Judicial Magistrate No.I,
Tiruppur.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.62537

Crl.O.P.No.25388 of 2017

KG(CO)
PM/15/12/2021