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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.08.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.25981 OF 2017

AND

CRL.M.P.NOS.14988 AND 14989 OF 2017

Zahir Hussain

... Petitioner/Accused

Vs.

1. State rep by its

The Inspector of Police,
B-2, Esplanade Police Station,
Chennai - 104.

Crime No.190 / 2016

... 1st Respondent/Complainant

2. Mohammed Kasim

... 2nd Respondent/Defecto Complainant

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the entire records comprised in C.C.No.91 of 2017 pending on the file of the VII Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner : Mr.A.Ramesh
Senior Counsel
For Mr.B.R.Shankaralingam

For R1 : Mr.Raj Thilak
Government Advocate (Crl Side)

For R2 : Mr.L.Infant Dinesh

ORDER

This Criminal Original Petition has been filed to call for the entire records in C.C.No.91 of 2017 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai and quash the same.

2. The 2nd respondent has filed a complaint against the



petitioner before the 1st respondent police for the offence under Sections 294(b) and 506(i) of IPC.

3. The 2nd respondent / complainant has averred in his complaint that the 2nd respondent is doing a construction business. He entered into partnership with one Mr.M.B.Khalilur Rehman and was running a business in the name and style of M/s.City Property Consultants. Through the said partnership, they undertook two construction projects. The said Khalilur Rehman joining with his son Mr.Zahir Hussain, the petitioner herein, with ulterior motive failed to cooperate and produce necessary documents and release project funds from the firm Bank account. Whenever, the 2nd respondent requested Mr.Khalilur Rehman for showing the registered documents of the sale transactions in connection with the firm. He simply washed away his hands by saying that his son i.e. the petitioner herein is in control of it and he has no say on it. In this regard, when the 2nd respondent contacted the petitioner, he reacted very abusively and threatened the 2nd respondent that if he insist on his share in the partnership firm, the petitioner will do away with his life. The 2nd respondent with no other option intimidated Mr.Khalilur Rehman that he is going to initiate legal action against them. For the said, the petitioner who is no way connected with the partnership firm with malafide intention to knock away the partnership sale proceeds and profit conducted Katta Panchayat using his political connection, money and muscle power. Thereafter, on 20.01.2016 at about 11.00 am, the petitioner came to the office of the 2nd respondent situated at 8/7, Stinger Street, Siva complex and threatened him and his brother that he will kill them by utilizing the hire killers. In this connection, on 12.03.2016 at 12.15 pm, two unknown persons came to the office situated at 8/7, Stinger Street, Siva Complex and using filthy language they threatened the 2nd petitioner and his brother that they will finish of their life, if they not toe line with the petitioner and partway their share and interest in the said partnership firm. Hence the 2nd respondent / complainant has requested to take necessary action against the above stated person.

4. The complaint given by the 2nd respondent is pending on the file of the VII Metropolitan Magistrate, George Town, Chennai. Aggrieved by the said complaint, the petitioner has filed this Criminal Original Petition before this Court stating that the complainant and the petitioner's father are partners doing construction business to sort out their business disputes the petitioner was taken for the task by the complainant and he is no way directly or indirectly connected with their business. Further it has been stated by the petitioner that there was unexplained delay in preferring the above complaint and the FIR reached the Court only after 6 days therefore the 1st respondent



did not follow the procedure established by law. Moreover it has been stated by the petitioner that when there is no material to establish prima facie case against him, the 1st respondent ought not to have filed a final report in a hasty manner. It has also been stated by the petitioner that during the investigation, the 1st respondent has never stated that he had used filthy language and the employees working in the office of the complainant also not stated about the abuse words by him. Hence the alleged offence of abusing in filthy language and threatened the complainant with criminal intimidation does not arise.

5. The learned counsel for the petitioner would submit that this Hon'ble Court has held in a similar case that to constitute an offence under Section 294(b) IPC, the accused should have abused the complainant in or near any public place and caused annoyance to the complainant. In the said case, there was nothing to show that the incident took place in a public place and hence the same was allowed by this Court. In the present case, the alleged incident is said to have been taken place in the office of the 2nd respondent and not in the public place. Hence it does not constitute an offence under Section 294(b) IPC.

6. In support of his case, the learned counsel for the petitioner has relied on various judgments of this Court as well as the Hon'ble Supreme Court, which reads as follows.

(i) Savarimuthu Nadar v. State, MANU/TN/1039/1993

"I have carefully considered the submissions made by the rival counsels. I shall first take up the submissions regarding offence under Section 294(b) I.P.C. Section 294 (b) IPC reads as follows :

"294. Obscene acts and songs - Whoever, to the annoyance of others,

(a)

(b) sings, recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

The word "obscene" is not defined in Indian Penal Code. But there is reference to the word "obscene" in Section 292 I.P.C Section 292 (1) reads as follows :

"292. Sale, etc, of obscene books etc. (1) For the purposes of Sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object shall be deemed to be obscene if it is



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lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it."

The very reading of the Section would show that only for the purpose of Sub-section (2), the word "obscene" is defined in the manner specified therein. But yet it is indicative of the meaning of the word "obscene".

5. In *Jfar Ahmad Khan v. State* (MANU/UP/0034/1963 : AIR 1963 All. 105), a Single Judge of the Allahabad High Court had pointed out that no precise or arithmetical definition of the word "obscene" which would cover all possible cases can be given. It will have to be judged on the facts of each case whether in the context of its surroundings the questioned act is obscene or not. In the *Lexicon Webster Dictionary*, meaning of "obscene" is given as "objectionable or repugnant to acceptable standards of decency of morality; indecent; pornographic; offensive in language or action; tending to incite lust or depravity."

6. In *P.T. Chacko v. Nainan Chacko* (1967 MLJ 815), the Kerala High Court had occasion to consider "obscenity" with reference to Section 294(b) I.P.C. The learned Single Judge had observed as follows :

"The only point argued was that the 1st accused has not committed an offence punishable under Section 294(b) Indian Penal Code by uttering the words above mentioned. The Courts below have held that the words uttered were obscene and the utterance caused annoyance to the public. I am not inclined to take this view, in *The Queen v. Hicklin*, Cockburn, C.J. Laid down the test of 'obscenity' in these words :

"...the test of obscenity is this whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences."

This test has been uniformly followed in India. The Supreme Court has accepted the correctness of the test in *Ranjit D Udeshi v. State of Maharashtra*. In *Samuel Roth v. U.S.A.* Chief Justice Warren said that the test of



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'obscenity' is the "substantial tendency to corrupt by arousing lustful desires." Mr. Justice Harlan observed that in order to be 'obscene' the matter must "tend to sexually impure thoughts". I do not think that the words uttered in this case have such a tendency. "With respect, I agree with the view expressed by the Kerala High Court. I am fortified in expressing such a view by the indication given in Section 292 I.P.C., with regard to the obscene books.

7. If the words uttered in this case are examined, in the light of the test, with which I have agreed, evidently it would not satisfy the test. The words used might have, no doubt, annoyed the person towards whom those words were used. It may be vulgar words. But they cannot be equated to "obscene" words. So I accept the first submission made by Miss Shyamala that the allegations would not make out the offence under Section 294(b) I.P.C."

(ii) Panchaiyammal & Mani Vs State & Anr,
Crl.O.P.No.20833/2018

"7. To attract the offences under Sections 294(b) and 506(1) of IPC, there must be specific allegations as against the petitioners.

8. It is seen from the complaint that the 2nd respondent made vague and bald allegations as against the petitioners. The complaint lodged by the Defacto Complainant alleging that on 24.01.2018 the petitioners had scolded Defacto Complainant with filthy language in respect of common pathway and further, threatened the Defacto Complainant through phone to his Life with dire consequences.

9. There is absolutely no specific allegations as against the petitioners to attract the said offences.

10. In support his arguments, the learned counsel for the petitioners relied upon the judgment reported in 2011 (7) SCC 59 in the case of [Joseph Salvaraj.A Vs. State of Gujarat and Others]. The relevant portion of the Judgment is extracted hereunder :

"23. Section 506 of the Indian Penal Code deals with punishment for criminal intimidation. Criminal intimidation, insult and annoyance have been defined in Section 503 of the Indian Penal Code but the FIR lodged by complainant does not show or reflect that any such threat to cause injury to person or of property was ever given by



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the Appellant to the Complainant.

24. Thus, from the general conspectus of the various sections under which the Appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the Complainant's FIR. Even if the charge sheet had been filed, the learned Single Judge could have still examined whether the offences alleged to have been committed by the Appellant were prima facie made out from the complainant's FIR, charge sheet, documents etc. or not."

11. The learned counsel for the petitioners have also relied upon the Judgment reported in 1998 (1) SCC 692 in the case of [Madhavrao Jiwanji Rao Scindia Vs. Sambhajirao Chandojirao Angre]. The relevant portion of the Judgment is extracted hereunder :

"7. The legal position is well-settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the Court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction is bleak and therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even through it may be at a preliminary stage."

12. When there is absolutely no specific allegations to attract the offences under Sections 294(b) and 506(1) of IPC, there is no useful purpose rightly to be served to continue the criminal prosecution.

13. Taking into consideration, the special facts of this case, though it may be at preliminary stage, the F.I.R is liable to be quashed.

14. That apart, in order to satisfy the test of obscene words uttered must be acceptable of arousing sensational matters that as in the minds of its harmons. There is absolutely no filthy language mentioned in the complaint



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to attract the offence under Section 294(b) of IPC.

15. Insofar as the offence under Section 506(1) of IPC is concerned, the FIR does not show or reflect with any such threaten to cause injury to the Defacto Complainant. Therefore, the impugned F.I.R. cannot be sustainable for further investigation."

(iii) Fowzunnissa Vs Inspector of Police & Anr

"5. There is a property dispute between the petitioner and the 3rd respondent. The complaint given by the 3rd respondent is that the petitioner abused the 3rd respondent and has given a false complaint against him. There is absolutely no material to substantiate the offense under Section 294(b) of IPC. To constitute an offense under Section 294(b) IPC, the petitioner should have abused the 3rd respondent in or near any public place and caused annoyance to the 3rd respondent. There is nothing to show that the incident took place in a public place. That apart, it is seen that the subsequent complaint given by the 3rd respondent is only a counter blast to the earlier complaint given by the petitioner.

6. In the considered view of this Court, the continuation of the proceedings against the petitioner is an abuse of process of court and the same requires the interference of this court. Accordingly, the proceedings in STC No.2850 of 2016 on the file of the Judicial Magistrate Court, Uthagamandalam, is hereby quashed....."

(iv) Noble Mohandass Vs State, 1988 2 MWN CR 184

"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 the 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



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which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering does not exactly mean what he says and also when the person to 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."

(v) Manik Taneja Vs State of Karnataka,
MANU/SC/0056/2015

"13. Section 506 Indian Penal Code prescribes punishment for the offence of criminal intimidation. "Criminal intimidation" as defined in Section 503 Indian Penal Code is as under :

"503. Criminal Intimidation - Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation - A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

14. A reading of the definition of "Criminal Intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

15. In the Instant case, the allegation is that the Appellants have abused the complainant and obstructed the second respondent from discharging his public duties and spoiled the integrity of the second Respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated



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comes within the meaning of "Criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was no intention on the part of the Appellants to cause alarm in the minds of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on the Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of Appellants posting a comment on the Facebook may not attract ingredients of criminal intimidation in Section 503 Indian Penal Code."

(vi) Manoj v. State of Kerala, 2015 SCC Online Ker 22214

"4. The main allegation raised against the petitioners accused in the impugned Anx.3 final report/charge sheet is that the petitioners had used vulgar and abusive language against the defecto complainant, etc. It has been held by this Court in the case Latheef v. State of Kerala reported 2014 (2) KLT 987, based on the earlier rulings of this Court as in P.T Chacko v. Nainan Chacko reported in 1967 KLT 799 and Sangeetha Lakshmana v. State of Kerala reported in 2008 (2) KLT 745 that abusive words or humiliating words or defamatory words will not as such amount to obscenity as envisaged in Secs.292 and 294(b) of the I.P.C. To make the words obscene, as punishable under Section 294(b) IPC, it must satisfy the definition of obscenity and that being a continuation of the subject dealt with under Sec.292 I.P.C., the definition of obscenity under Sec.292(1) IPC can be applied in a prosecution under Sec.294(b) of the I.P.C., as there is no separate definition for obscenity in Sec.294. That to make it punishable the alleged words must be in a sense lascivious, or it must appeal to the prurient interest, or will deprave and corrupt persons. That the alleged words uttered must be capable of arousing sexually impure thoughts in the minds of its hearers and thus to make the alleged words of obscene it must involve some lascivious elements arousing sexual thoughts or feelings or the words must have the effect of depraving persons and defiling morals by sex appeal or lustful desires. That merely because the words are abusive, defamatory or humiliating will not make by



obscene so as to attract offence under Sec.294(b) of the I.P.C. The legal position in this regard was laid down by this Court in paragraph 5 of Latheef's cases supra, which reads as follows :

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'5. Abusive words or humiliating words or defamatory words will not as such amount to obscenity as defined under the law. Of course there is no doubt that the words alleged to have been used by the revision petitioner are in fact abusive and humiliating. But to make it obscene, punishable under Section 294(b) IPC, it must satisfy the definition of obscenity. Section 294 IPC does not define obscenity. Being a continuation of the subject dealt with under Section 292 IPC the definition of obscenity under 292(1) IPC can be applied in a prosecution under Section 294 IPC also. To make punishable, the alleged words must be in a sense lascivious, or it must appeal to the prurient interest, or will deprave and corrupt persons. In P.T Chacko v. Nainan Chacko reported in (1967 KLT 799) this Court held that, "the test of obscenity is whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences. "In Sangeetha Lakshmana v. State of Kerala reported in (2008 (2) KLT 745) this Court held thus, "in order to satisfy the test of obscenity, the words alleged to have been uttered must be capable of arousing sexually impure thoughts in the minds of its hearers. "Thus it is quite clear that, to make obscene the alleged words must involve some lascivious elements arousing sexual thoughts or feelings or the words must have the effect of depraving persons, and defiling morals by sex appeal or lustful desires. I find that the words alleged to have been used by the revision petitioner in this case are really abusive and humiliating, but those words cannot be said to be obscene. As already stated, every abusive word or every humiliating word cannot, by itself, be said to be obscene as defined under the Penal Code, 1860. I find that the conviction against the revision petitioner under Section 294(b) IPC in this case, on the basis of the above words alleged to have been used by him, is liable to be set aside, and the revision petitioner is entitled to be acquitted.'

5. In the instant case also, from a mere perusal of the



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materials available on record, it can be seen that the only allegation raised by the defacto complainant is that the petitioners accused have used humiliating, abusive, vulgar or defamatory words and not even a remote whisper is anywhere therein that the words used contained lascivious elements or prurient elements or using sexual thoughts or feelings or that the words must have the effect of depraving persons, and defiling morals by sex appeal or lustful desires, etc. Therefore, offence under Sec.294(b) is not made out in the facts of this case."

(vii) V.Radhakrishnan Pillai v. State of Kerala, 2015 SCC Online 22217

"2. from a mere perusal of the materials available on record, it can be seen that the only allegation raised by the defacto complainant therein is that the petitioner accused had used humiliating, abusive, vulgar or defamatory words and there is not even of remote whisper anywhere therein that the words used contained lascivious elements or prurient elements or words, which arouse sexual thoughts or feelings or words which have the effect of depraving persons and defiling morals by sex appeal or lustful desires, etc. Therefore, indisputably the offence under Sec.294(b) of the I.P.C. is not made out in the facts of this case."

(viii) Shiya v. State of Kerala, 2015 SCC Online 21052

"5. from a mere perusal of the materials available on record, it can be seen that the only allegation raised by the defacto complainant is that the petitioner accused has used humiliating, abusive, vulgar or defamatory words and not even of remote whisper is anywhere therein that the words used contained lascivious elements or prurient elements or using sexual thoughts or feelings or that the words must have the effect of depraving persons, and defiling morals by sex appeal or lustful desires, etc. Therefore, offence under Sec.294(b) is not made out in the facts of this case."

(ix) Sangeetha Lakshmana v. State of Kerala, 2008 SCC Online Ker 488

"2. The allegation in the charge is that on 12/07/2006 at about 1.45 p.m. on getting information to the effect that the petitioner/accused is trespassing into Flat No.A-102 at Sui Summit, E.R.G. Road; Pappali



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Lane, Ernakulam possessed by South Indian Bank pursuant to the legal proceedings initiated by the bank for the non-remittance of the loan availed of by Darwin Exporters Pvt. Ltd., the Sub Inspector of Police, who is the first informant reached the flat and when he tried to obstruct the accused from trespassing into the apartment, the accused insulted the Sub Inspector asking him as to which Sub Inspector he was and called him "rascal" and thereby the petitioner obstructed him from discharging his official duties and also caused annoyance to him by calling "rascal" which is an obscene word.

3. I heard the learned counsel for the petitioner as well as the learned Director General of Prosecution.

4. Apart from the fact that the word "rascal" may at best amount to "scoundrel, rogue or scamp" very often used jokingly or paradoxically, the said word is not known to have any tinge of obscenity.

5. In order to satisfy the test of obscenity, the words uttered must be capable of arousing sexually impure thoughts in the minds of its hearers. The word "rascal" does not have the tendency of depraving or corrupting those minds which are open to the prurient of lascivious influences. Secondly, the occurrence itself allegedly took place when the Sub Inspector went to the flat in question in purported exercise of rendering aid to the bank for taking possession of the flat.

6. As a matter of fact, as per Annexure B proceedings of the Debts Recovery Tribunal dated 12.7.2006 all proceedings pursuant to the possession notice dated 7.7.2006 issued by the bank were stayed till 17.8.2006. There is no dispute that the order of the Debts Recovery Tribunal was passed in the morning of 12.7.2006. If so, neither the bank nor the police officer could have proceeded to the flat in question for taking possession of the same. Hence, the Inspector had no business at all at the premises in question, much less, do any act in discharge of his duties. If so, it cannot be said that the Sub Inspector (a public servant) was deterred by the petitioner from discharging his official duties. Such being the position, allowing the above C.C. Case to proceed further will amount to abuse of the process of the Court, Accordingly, all proceedings in C.C.293 of 2006 on the file of the Chief Judicial Magistrate, Ernakulam is quashed."



7. Heard the learned counsel on both sides and perused the materials available on record.

8. On perusal of the records, it is seen that the 2nd respondent / complainant is doing a construction business and he entered into partnership with one Mr.M.B.Khalilur Rahaman who is the father of the petitioner herein. The said Khalilur Rahaman joining with the petitioner had failed to cooperate with the 2nd respondent and fulfil his business requirements. Hence there was a dispute between them. Due to non-cooperation of Khalilur Rahaman, the 2nd respondent requested Khalilur Rahaman to return his share invested in the partnership firm, but the Khalilur Rahaman refused to give it. Hence the 2nd respondent intimated Khalilur Rahaman that he is going to take legal action against him. For the said, the petitioner herein went to the office of the 2nd respondent and threatened him in a filthy language. Thereafter, on 12.03.2016, two unknown persons went to the office of the 2nd respondent and threatened him with dire consequences. Hence the 2nd respondent lodged a complaint before the 1st respondent police against the petitioner. After the charge sheet has been filed in the said complaint, the same has been taken on file in C.C.No.91 of 2017 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai. Aggrieved by the same, the petitioner has filed this Criminal Original Petition before this Court.

9. On perusal of the complaint made by the 2nd respondent, it is found that the petitioner has threatened the complainant using obscene words and thereby committed an offence under Sections 294(b) and 506(i) of IPC.

10. On going through the averments made in the petition, this Court finds that the petitioner has not made out any plausible ground for quashing the final report or charge sheet dated 10.01.2017. It is absolutely clear from the records that the charge sheet has been laid after recording the statements from the witnesses under Section 161(3) of Cr.P.C.

11. On perusal of the statements recorded under Section 161 (3) Cr.P.C, it is clear that the petitioner herein is only trying to conduct a trial under Section 482 Cr.P.C. The Hon'ble Supreme Court has time and again emphasised that unless on a plain reading of F.I.R or Charge Sheet strikes the conscious of the Court that the FIR or Charge Sheet cannot sustain a scrutiny of a trial, the interference by the Courts are limited only to that extent. However, in the present case, this Court does not find such blatant facts on reading the FIR or Charge Sheet that it cannot sustain the trial. In the FIR as well as in the Charge Sheet, on a conjoint reading of statements under Section 161(3) of Cr.P.C, it is evidently clear that the present petition



cannot be considered for the interference of this Court.

12. It is also well settled position that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the Court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage. In the present case, the allegation against the petitioner is that the petitioner's father Khalilur Rahaman cheated the 2nd respondent in the partnership firm. When the same was questioned by the 2nd respondent, the petitioner went to the office of the 2nd respondent and abused him in a filthy language and also threatened him with dire consequences of life. This Court to ascertain whether there was a partnership existed between the petitioner's father and the 2nd respondent / complainant and on account of which there was a dispute between them and the petitioner had threatened the 2nd respondent using obscene words, trial is necessarily to be conducted by the Court. Hence this Court is not inclined to quash the proceedings in C.C.No.91 of 2017 on the file of the VII Metropolitan Magistrate Court, George Town, Chennai.

13. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

raja

To

1. The VII Metropolitan Magistrate Court,
George Town, Chennai



2. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai - 104.

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+1cc to Mr.BR.Shankaralingam, Advocate, S.R.No.43476

CRL.O.P.No.25981 of 2017
and
CRL.M.P.Nos.14988 and 14989 of 2017

GPL (CO)
PM/17/09/2021