



Crl.O.P.No.11437 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HON'BLE Mr. JUSTICE SUNDER MOHAN

Crl.O.P.No.11437 of 2021
and Crl.M.P.No.6642 of 2021

1.Raman
2.Anjalatchi
3.Sangeetha
4.Sakthivel

...Petitioners/Accused 2 to 5

Versus

1.The State, represented by
Inspector of Police,
All Women Police Station,
Thirukoilur,
Villupuram District,
Now Kallakurichi District.

2.Veerammal

...Respondents

(*R2 Suo Moto impleaded as
per order in
Crl.O.P.No.11437/2021
dated 05.07.2021)



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PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, seeking to call for the records made in impugned charge sheet in S.C.No.236 of 2020 on the file of Sessions Judge, Magila Neethimandram (Fast Track Court, Villupuram) and quash the same.

For Petitioners : Mr.R.Sankarasubbu
For R1 : Mr.A.Damodaran
Additional Public Prosecutor
For R2 : Veerammal
Party appeared in person

ORDER

The petition is to quash the Final Report for the alleged offences under Sections 294 (b) and 506 (1) of the Indian Penal Code on the file of Sessions Judge, Magila Neethimandram, (Fast Track Court Villupuram).

2. The allegation is that A1 promised to marry the defacto complainant/second respondent, had sexual intercourse with the defacto complainant and thereafter, did not keep up his promise; that when the defacto complainant questioned about this conduct of A1, the petitioners/A2 to A5 who are relatives of the first accused had abused the



defacto complainant in filthy language and threatened her; that the allegation against A2 to A5 is that they had committed the offences under Sections 294 (b) and 506 (1) of IPC.

3. Mr.R.Sankarasubbu, the learned counsel for the petitioners would submit that the allegations even if accepted to be true do not constitute the offences; that the offence under Section 294 (b) of IPC is not made out as the petitioners did not utter any obscene words in a public place to the annoyance of others and the alleged words of threat would not amount to criminal intimidation and hence, he prayed for quashing of the final report.

4. Mr.A.Damodaran, the learned Additional Public Prosecutor, for the first respondent however, submitted that this matter has to be tried and adjudicated only before the Trial Court. Hence, he prayed for dismissal of the quash petition.

5. The defacto complainant/second respondent was present in person. The defacto complainant represented that the matter has been amicably settled between the petitioners and the defacto complainant.



6. This Court is of the view that besides the fact that defacto complainant has arrived at a compromise with the petitioners and agreed not to pursue the impugned proceedings, the alleged offences are not made out as against the petitioners/A2 to A5. The offence under Section 294 (b) of IPC is not made out as no obscene words were uttered. The Hon'ble Supreme Court in the Judgment reported in **2022 LiveLaw (SC) 844 – N.S.Madhanagopal and another Vs. K.Lalitha**, has held as follows:

“ It has to be noted that in the instance case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC. To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the



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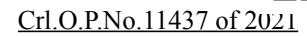
annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants accused annoyed others, it can not be said that the ingredients of the offence under Section 294 (b) of IPC is made out."

7. As regards the offence under Section 506 (1) of IPC, the allegations do not suggest that there was real threat. Thus, this Court is of the view that the since the offences alleged are not made out and the defacto complainant is not interested in pursuing the complaint, the proceedings are liable to be quashed as against the petitioners.

8. With the above observations, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

20.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case: Yes/No
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1. The Sessions Judge,
Magila Neethimandram,
(Fast Track Court, Villupuram)

3.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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