



WEB COPY



Crl.O.P.No.16689 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.16689 of 2021

and

Crl.M.P.Nos.9106 & 9108 of 2021

1.Renganayakam
2.Kannayal
3.Nagendiran
4.Thulasiraman

... Petitioners

Vs.

1.State rep. by its
The Inspector of Police,
All Woman Police Station,
Perambalur District.

2.KJaya

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in CC.No.146/2010 pending on the file of the Additional Mahila Court, Perambalur District and quash the same.

For Petitioner : M/s.C.Raghavan

For Respondent: Mr.S.Balaji, Govt. Advocate (Crl.Side) [R.1]

: No appearance [R.2]



ORDER

WEB COPY

The petition is to quash the final report filed for the alleged offences under Sections 109 and 506(i) of IPC as against the petitioners 1 to 4 herein/accused 2 to 5.

2. It is alleged in the final report that A.1 and the de facto complainant were husband and wife; that on 25.10.2017, A.1 went to the house of the de facto complainant, attacked the de facto complainant and attempted to take away their son who was in the custody of the de facto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are related to the 1st accused. The 1st petitioner is the father, the 2nd respondent is the mother and the 3rd and the 4th petitioners are the brothers of the 1st accused. They have nothing to do with the dispute between the 1st accused and the de facto complainant. They were not present at the scene of occurrence and they have been falsely implicated. In any case, the only allegation against the petitioners is that they had abetted the offence of criminal intimidation said to have been committed by A.1.



WEB COPY

4. The learned Govt. Advocate (Crl.Side) submitted that there are allegations in the impugned final report which have to be adjudicated only before the Trial Court and prayed for dismissal of the quash petition.

5. This Court finds that the only allegation against the petitioners is that they had abetted the offence of criminal intimidation said to have been committed by A.1. This Court has repeatedly held that in order to attract the offence of Criminal intimidation, there must be a real threat, mere words uttered would not constitute criminal intimidation. The relevant observations of the judgment of this Court in ***Noble Mohandass Vs. State***, reported in ***Manu/TN/0026/1988***, is extracted hereunder for better understanding:-

“7. 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 exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually.”



Crl.O.P.No.16689 of 2021

WEB COPY

6. Further, this Court finds that there is absolutely no evidence to infer that the petitioners had abetted the alleged offence of criminal intimidation.

7. In view of the above, the proceedings against the petitioners alone are liable to be quashed.

8. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

13.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
shr

To,

1. The Inspector of Police,
All Woman Police Station,
Perambalur District.

2. The Additional Mahila Court, Perambalur District.



WEB COPY



CrI.O.P.No.16689 of 2021

SUNDER MOHAN. J,

shr

CrI.O.P.No.16689 of 2021
and
CrI.M.P.Nos.9106 & 9108 of 2021

13.06.2023