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Crl.O.P.No.23758 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P. No. 23758 of 2019

and

Crl.M.P. No. 12515 of 2019

1.Nattarayasamy

2.Sampoornam

3.Amasaveni

... Petitioners

Vs.

1.The State by Inspector of Police,
All Women Police Station (East),
Coimbatore District.

2.A.Renuka

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records, quash the complaint in C.C.No.24 of 2017 on the file of the Additional Mahila Court, Coimbatore in so far as the petitioners herein are concerned.



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For Petitioners : Mr. V.Balamurugane
For Respondent 1 : Mr. A.Damodaran
Additional Public Prosecutor
For Respondent 2 : Mrs. A.Renuka
Party in person.

ORDER

The petition is to quash the charge sheet for the alleged offences under Section 498 (A), 406, 109 and Section 506 (i) of IPC.

2. It is alleged in the charge sheet that the 2nd respondent and the 1st accused got married in the year 2011; that they were living happily; that the 3rd petitioner who is unmarried sister of the 1st accused used to visit the house of the 2nd respondent and insult her stating that she was not suitable for her brother; that the 1st accused had not treated the 2nd respondent with respect and had not provided with any amenities in the house; that when the the 2nd respondent complained this to the 1st and 2nd petitioners, who are the father-in-law and the mother-in-law of the



2nd respondent, they threatened her with dire consequences; that the 1st accused had taken 15 sovereign of gold jewels and failed to return the same to the 2nd respondent.

3. The learned counsel for the petitioners would submit that the allegation is against the 1st accused, who is the husband of the 2nd respondent. The 1st and 2nd petitioners are aged parents of the 1st accused and the 3rd petitioner is the unmarried sister of the 1st accused. The allegation is that the 3rd petitioner had abetted the alleged cruelty committed by the 1st accused. There is no material to show that the 3rd petitioner had abetted the alleged offence of Section 498 (A) said to have been committed by the 1st accused. Further, the allegation against the 1st and 2nd petitioners are that they had committed an offence of 506 (i) of IPC. There is no allegation in the impugned charge sheet to show that they had committed offence under Section 506 (i), to attract the offence of criminal intimidation. Hence, the learned counsel prayed for quashing the charge sheet.



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4. The 2nd respondent appeared in person and submitted that she was subjected to cruelty by her husband, the 1st accused. She would submit that she was living at Coimbatore and her in-laws were living in a separate house at Valparai. Therefore, she prayed for a dismissal of the quash petition.

5. The learned Additional Public Prosecutor also reiterated that the impugned charge sheet has to be adjudicated during the Trial and prayed for the dismissal of the quash petition.

6. This Court on perusal of the impugned charge sheet finds that the only allegation against the 1st and 2nd petitioners are that they committed an offence under Section 506 (i) of IPC. The impugned charge sheet does not state that what were the alleged words uttered by the 1st and 2nd petitioners. This Court had time and again held that in order to attract offence of criminal intimidation, there must be a real threat. The observation of this Court in *Noble Mohandass Vs. State*,



reported in **1989 Cri.LJ 669**, is extracted below 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.”*

That apart, this Court finds that the 1st and 2nd petitioners are living separately. In the said circumstances, the proceedings against them is clearly an abuse of process of law.

7. As regards the 3rd petitioner, the allegation is that she had abetted the 1st accused in committing the alleged acts of cruelty. There are absolutely no allegations as to what were the alleged acts of abetment committed by the 3rd petitioner, who is an unmarried sister of the 1st accused. Admittedly, the 3rd petitioner also never lived with the



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1st accused and the 2nd respondent. In the absence of specific allegation against the 3rd petitioner, the impugned proceedings against her is also an abuse of process of law. The Hon'ble Supreme Court and this Court had time and again held that when relatives who are living far away are sought to be prosecuted under Section 498 A IPC, there must be a clear and specific allegation against them. However, in the instant case, this court finds that there are no such allegations against them and the impugned charge sheet as against the petitioners is liable to be quashed.

8. Accordingly, the petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

25.04.2023

Index : Yes/No
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To

1.The Additional Mahila Court,
Coimbatore.

2.The State by Inspector of Police,
All Women Police Station (East),
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SUNDER MOHAN. J,

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