



Crl.O.P(MD).No.16577 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.16577 of 2022 and
Crl.M.P(MD).Nos.11061 and 11063 of 2022

1.Alagesan
2.Ramaraj
3.Nagaraj
4.Iyappan

... Petitioners/A6 to A9

Vs.

1.The Inspector of Police,
All Women Police Station,
Thanjavur.

2.Vaitheeswari

... Respondent

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in C.C.No.6 of 2021 on the file of the Additional Mahila Court, Thanjavur and quash the same.

For Petitioners : Mr.Ramesh Kumar

For Respondent No.1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For 2nd respondent : No appearance



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the proceedings in C.C.No.6 of 2021 on the file of the Additional Mahila Court, Thanjavur and quash the same.

2. The case of the prosecution is that on promising to marry the defacto complainant A1 had sexual intercourse with the defacto complainant and subsequently, refused to marry her. Based on the complaint lodged by the 2nd respondent / defacto complainant, the 1st respondent registered First Information Report in Crime No.6 of 2021 and thereafter, the case has been charge sheeted in C.C.No.6 of 2022 on the file of the Additional Mahila Court, Thanjavur for the offence punishable under Section 506(i) IPC as against the petitioners herein.

3. The learned counsel appearing for the petitioners submitted that the petitioners herein are partners in the “Travels” of A1 viz., Sivakumar and that they have been falsely implicated in this case as accused Nos.6 to 9. He would further submit that without adverting to the allegations in the First Information Report and 161 Cr.P.C., statement of witnesses, issued summons to the accused and there is no specific



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averments as against the petitioners. Therefore, he prayed for quashment of entire proceedings.

4. There is no representation on behalf of the 2nd respondent / de facto complainant.

5. The learned Additional Public Prosecutor appearing for the first respondent would submit that there are materials to connect the accused / petitioners to proceed with the trial. At the initial stage of trial, the entire proceedings cannot be quashed on its threshold and he sought for dismissal of the quash petition.

6. Heard the learned the learned counsel appearing on either side and perused the materials available on record.

7. On perusal of the records it is seen that the offence under Section 506 (i) IPC is not attracted since no materials are available to show that the accused criminally intimidated the defacto complainant. The learned counsel appearing for the petitioners relied upon the judgment of this Court, dated 19.09.2018 made in **Crl.OP(MD)No.**



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11030 of 2014 (*Adbul Agis Vs. State rep. by the Inspector of Police,*

***Achanpudur Police Station, Tirunelveli District and another*), wherein**

it is held that to constitute an offence under Section 506(i) IPC, there was a threatening only by words. As pointed by the learned counsel for the petitioners, the threat should be a real one and not just a mere word when the petitioners uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offence under Section 506(i) IPC is not made out as against the petitioners herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings as against the petitioners herein.

8. Accordingly, this Criminal Original Petition is allowed and the entire criminal proceedings in C.C.No.6 of 2021 on the file of the Additional Mahila Court, Thanjavur is hereby quashed as against the petitioners viz., A6 to A9. Consequently, the connected Miscellaneous Petitions are closed.

22.04.2024

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp



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To

1. The Inspector of Police,
All Women Police Station,
Thanjavur.

2. The Additional Mahila Court, Thanjavur

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

Trp

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