



Crl.O.P.No. 6454 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 6454 of 2025

and

Crl.M.P.No.4119 of 2025

Bernard Vimalraj

.... Petitioner

Vs

1.The State of Tamil Nadu Rep.By Its,
The Inspector of Police,
Singanallur Police Station,
Coimbatore City.
Crime No.60 of 2023.

2.Thangavel

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the proceedings in Crime No.60 of 2023 on the file of the 1st Respondent / Complainant and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.M.Purushothaman

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



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ORDER

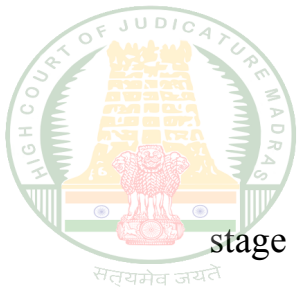
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This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.60 of 2023 on the file of the first respondent police, for the offences under Sections 296 (b) and 506(i) of IPC.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

3. The second respondent lodged a complaint alleging that the petitioner had sent a voice message, in which, he abused the second respondent using filthy language and threatened him with dire consequences. Hence, the case was registered.

4. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.60 of 2023 for the offences under Sections 294(b) and 506(i) of IPC. Even according to the second respondent, the petitioner had allegedly sent a voice message containing abusive language. However, it is not ascertainable at this



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stage as to who sent the said voice message, as it appears to be in a different voice. That apart, the allegations are civil in nature and the offence alleged under Section 294(b) and 506(i) of IPC do not warrant continuation of the criminal proceedings.

5. To attract the offences under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

*"294. Obscene acts and songs —
Whoever, to the annoyance of others— (a)
does any obscene act in any public place, or
(b) sings, recites or utters any obscene song,
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."*

6. Admittedly, there were absolutely no words uttered by the petitioner as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show



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that on hearing the obscene words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. 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 petitioner annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"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 annoyance of others, which is lacking in the case."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioners.

7. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the offence, threat and intention to cause an alarm



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are main ingredients. The third ingredient is that the intention must be to cause any 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, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the complainant.

8. In this regard, It is relevant to rely upon the judgment of this Court made in ***Crl.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-

“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition 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 offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of



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Court. Therefore, this Court is inclined to quash the entire proceedings."

9. In this regard, it is relevant to extract the judgement reported in **(1992) SCC CrI. 426** in the case of ***Bajanlal v. State of Haryana***, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

10. In view of the above, the impugned FIR in Crime No.60 of 2023 pending on the file of the first respondent cannot be sustained and is liable to be quashed. Accordingly, the said FIR is hereby quashed



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and the Criminal Original Petition stands allowed. Consequently,

connected Miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Inspector of Police,
Singanallur Police Station,
Coimbatore City.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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