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Crl.O.P.No.5087 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.5087 of 2025

and

CRL.MP.No.3260 of 2025

1.Ponnaiah

2.Ebinesar

3.William

4.Balathangappan

... Petitioners

Vs.

1. State Represented by,
The Inspector of Police,
Mahalingapuram Police Station,
Pollachi.

2. Jesilin

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, 2023/482 of Cr.P.C., praying to call for the records relating to Charge Sheet in C.C.No.24/2024 on the file of the Court of the Learned Judicial Magistrate No.II, Pollachi and to quash the same.



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For Petitioners : Mr.R.Nandha Kumar
For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor
R2 – Mr.R.Suriya Kumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in C.C.No.24/2024 on the file of the Court of the Learned Judicial Magistrate No.II, Pollachi .

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and Mr.R.Suriyakumar, learned counsel for the 2nd respondent and perused the materials available on record.

3. The present Criminal Original Petition arises in connection with C.C.No.24 of 2024, which is registered for offences under Sections 506 and 323 of IPC. It is noted that a similar petition in Crl.O.P. No. 22205 of 2024, was filed, concerning the same officer and the same allegations, and the proceedings therein have already been quashed by this Court vide order dated 12.03.2025, wherein this Court made the following observations:



“5. In order to attract the offence under Section 506(i) of I.P.C threat and intention to cause an alarm 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 petitioners were only empty threats and they had no effect on the complainant.

*6. 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



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

7. In view of the above, the entire proceedings in C.C.No.11 of 2024 pending before the Judicial Magistrate No.II, Pollachi, Coimbatore cannot be sustained and is liable to be quashed. Accordingly, the proceeding in C.C.No.11 of 2024 is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.”

4. On perusal of the materials on record, this Court observes the following:

(1) The offences alleged under Sections 506 and 323 IPC are not made out. There is no material to indicate that the petitioner or de facto complainant sustained any injuries. The records also show that the alleged victim did not undergo treatment nor did he remain in hospital.

(2) The investigation appears to have been incomplete or ineffective, conducted by the same officer who investigated the previously quashed matter.

(3) Considering the observations made in paragraphs 5, 6, and 7 of the order in Crl.O.P. No. 22205 of 2024, which are extracted and relied upon herein, it is evident that the alleged acts do not constitute the offences claimed.



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(4) Since the prior case has already been quashed and there is no

new or material evidence to sustain the present allegations, it is just and appropriate to quash the proceedings in the present case as well.

5. Accordingly, the proceedings in C.C. No.24 of 2024 pending on the file of the Judicial Magistrate No.II, Pollachi is hereby quashed, and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

09.10.2025

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II,
Pollachi.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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