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Crl.O.P.No.5543 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5543 of 2025
and
Crl.M.P.No.3583 and 3585 of 2025

Anbazhagan

... Petitioner

Vs

1. The State Rep. by
The Inspector of Police,
Banavaram Police Station,
Ranipet District.
(Crime No: 04/2022)

2. Kalaivani

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to call for records in C.C.No.15 of 2024 on the file of the Judicial Magistrate
Court, Sholinghur and to quash the same.

For Petitioner : Mr.R.Thirumoorthy

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

ORDER



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This Petition has been filed to quash the proceedings in C.C.No.15 of 2024 on the file of the Judicial Magistrate Court, Sholinghur.

2. The case of the prosecution is that on 03.01.2022, at about 6:45 p.m., when the Sub-Inspector of Police was in the station, the de-facto complainant, viz., Kalaivani Mahalingam, who is the Panchayat President of Perapperi, lodged a complaint stating that she was elected and assumed charge as Panchayat President following the Panchayat Election conducted on 09.10.2021. From the date on which the de-facto complainant became Panchayat President, the petitioner allegedly abused her with filthy language on social media and uttered derogatory remarks to the public. While so, on 01.01.2022, at about 3:00 p.m., the petitioner went to the Panchayat President's Office to give a representation, whereupon the petitioner contacted the de-facto complainant over the phone and instructed her to come to the Panchayat Office in an abusive manner and scolded her with unparliamentary words. However, the de-facto complainant did not go to the Panchayat Office and informed the situation to her husband's brother.

2.1. Thereafter, the petitioner commended the act of the de-facto

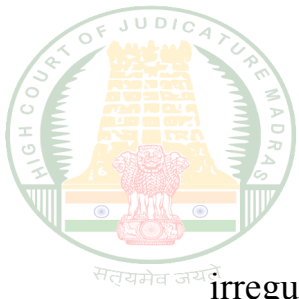


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complainant and posted defamatory character about the complainant on social media. The petitioner had also done the character assassination of the voters who had voted for her. When the de-facto complainant and her family members enquired about the attitude of the petitioner, he abused them and gave life threats. Hence, the de-facto complainant lodged a complaint and registered an FIR against the petitioner for the offences under Sections 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.04 of 2022. Thereafter, the first respondent investigated the complaint and laid a charge sheet before the Judicial Magistrate, Sholinghur, and the same was taken cognizance of in C.C.No.15 of 2024.

3. According to the petitioner, it is a false case foisted against the petitioner for the reason that the petitioner's father had already filed a Public Interest Litigation for various public causes and one of the Writ Petitions, W.P.No.6113 of 2021, filed in the nature of PIL, sought relief to remove the encroachment made by the friends of the de-facto complainant on the public road. Subsequently, the said Writ Petition was allowed by the Division Bench of this Court. Further, the petitioner's father also questioned the



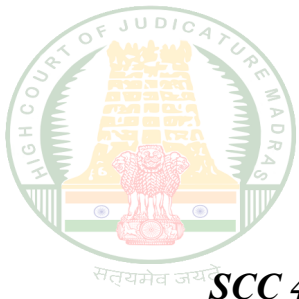
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irregularities and illegalities carried out by the de-facto complainant. Due to this, the relatives of the second respondent developed animosity against the petitioner and his father. Further, the petitioner also participated in social movements against corruption and misappropriation of public funds by the Panchayat. Now, the petitioner is facing charges for the offences under Sections 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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

5. On perusal of the FIR, the entire allegations are vague and bald. Even assuming that the allegations are to attract offence under Section 506(i) of IPC, the intention must be to cause alarm to the victim and materials have to be brought on record to show that the intention was to cause alarm to the person. Hence, mere a threat is not sufficient to attract the charge of criminal intimidation. In this regard it is relevant to rely upon the judgment in the case of *Manik Taneja and anr. Vs. State of Karnataka* reported in **2015 (7)**



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SCC 433, wherein it is held as follows:-

“14. A reading of the definition of "Criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

15. In the instant case, the allegation is that the appellants have abused the complainant and obstructed the second respondent from discharging his public duties and spoiled the integrity of the second respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "Criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the



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facts and circumstances of the case, it appears that there was no intention on the part of the appellants to cause alarm in the minds of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on the Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of appellants posting a comment on the Facebook may not attract ingredients of criminal intimidation in Section 503 IPC.”

Therefore, offence under Section 506(i) of IPC is not at all attracted as against the petitioner.

6. Insofar as the offence under Section 294(b) 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 this case Further, there is 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 that on hearing the obscene words, which were allegedly uttered by the petitioner, the person felt annoyed. He has not spoken about the obscene words, he felt annoyed and in the absence of legal evidence to show that the words uttered by the petitioner annoyed the person, it cannot be said that the ingredients of



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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.**, wherein it is 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 petitioner. That apart, in the case on hand, even according to the case of the prosecution, threatening was made over phone. Therefore, the offence under Section 294(b) of IPC would not attract as against the petitioner.

7. In respect of the Section 4 of the TNPHW Act, on perusal of the statement recorded under Section 161 of Cr.P.C., it doesn't reveal any ingredients to attract the provisions under Section 4 of the TNPHW Act. This Court finds that the entire proceedings initiated as against the petitioner under Sections 294(b) and 506(i) of IPC and Section 4 of TNPH Women Act, 2002, cannot be sustained and liable to be quashed.



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8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.15 of 2024 on the file of the Judicial Magistrate Court, Sholinghur, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Judicial Magistrate Court, Sholinghur.
2. The Inspector of Police,
Banavaram Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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