

Crl.OP.No.6263 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.04.2025

CORAM:

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

Crl.O.P.No.6263 of 2025

and

Crl.MP.No.4016 of 2025

Krishnan

... Petitioner

Vs.

1. State rep by
The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram,
Chennai.

2. S.Ravintharan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to call for the records in Cr.No.829/2022 dated 22.10.2022, for the alleged offences under Sections 294(b), 506(i) of IPC pending on the file of the respondent police and quash the proceedings.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.R.Vinothraja for R1
MrK.Thilageswaran for R2



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ORDER

This petition has been filed to quash the FIR registered in Cr.No.829 of 2022 on the file of the first respondent.

2. The case of the prosecution is that during the year 2015, the second respondent borrowed loan for a sum of Rs.17,00,000/- from the petitioner with an agreed interest Rs.34,000/- per month. After making partial payments, the second respondent was unable to repay the remaining amount. Due to which, the petitioner allegedly abused him in filthy language and threatened him. Out of fear, the second respondent registered some of his properties in favour of petitioner. Hence, the complaint.

3. On the complaint lodged by the second respondent, the first respondent police has registered FIR in Cr.No.8299 of 2022 against the petitioners for the alleged offence punishable under Sections 294(b) and 506(i) of IPC.



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4. Heard both sides and perused the materials available on record.

5. A perusal of an FIR revealed that the second respondent borrowed a loan from the petitioner. When it was questioned by the petitioner, the present complaint has been lodged as if the petitioner had threatened the second respondent with dire consequence. Even according to the second respondent, there is absolutely no ingredients to attract the offence under Section 294(b) of IPC and Section 506(i) of IPC.

6. To attract the offence 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,*



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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."

Admittedly, there is absolutely no words uttered by the petitioners 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 petitioners, 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 petitioners annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out.

7. 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



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further proof to establish that it was to the annoyance of others, which is lacking in the case."

8. 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 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.

9. 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:-



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



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10. It is also relevant to extract the judgement reported in **(1992) SCC Crl. 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.:

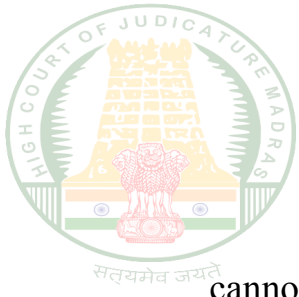
"102.....

.....

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."

The above judgments are squarely applicable to the present case and therefore, the offence under Section 294(b) and 501(i) of IPC is not at all attracted as against the petitioner.

11. In view of the above discussion, the complaint itself is nothing but clear abuse of process of law and the entire allegations



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cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, the FIR registered in Crime No.829 of 2022 on the file of the first respondent police is hereby quashed.

12. In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

24.04.2025

Vv

To

1. The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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Vv

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