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Crl.O.P.No.31269 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

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

Crl.O.P.No.31269 of 2024

and

Crl.M.P.No.17795 of 2024

Mahendra Shanmuganathan

... Petitioner

Vs

1. The State rep. by
Inspector of Police,
J-8, Neelangarai Police Station,
Chennai.

2. Vijayendra Shanmuganathan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for entire records in Crime No.804 of 2021 on the file of the first respondent Police and quash the FIR against the petitioner.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side) (for R1)
Ms.C.Maria Vinnarasi
for Mr.V.Rajasekar (for R2)



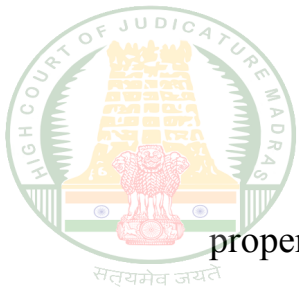
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ORDER

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This petition has been filed to quash the First Information Report in Crime No.804 of 2021 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioner and the de-facto complainant are brothers. The de-facto complainant, who is residing with his mother in Chennai, was working in Russia. In the year 2017, his father died, and thereafter, his mother was living separately, and the second respondent also accompanied his mother and stayed there for nearly one and a half years. In her name, there are properties situated at various places in the form of plots, as well as superstructures. After the demise of their father, the petitioner was allotted an extra 20% share, which is 60%, and the remaining 40% share was allotted to the de-facto complainant, as he would take care of his mother. Thereafter, their mother went to Australia along with the accused. After a couple of months, the accused brought back his mother to India and left her at his aunt's home in Kerala. Despite the assurance given by the accused that he would take care of his mother, and for that reason alone, he was allotted an extra 20% of the settlement over the



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properties. But the accused left his mother in Kerala, which made her feel bad, and the de-facto complainant and his mother lodged a complaint before the Revenue Divisional Officer, Guindy, to get back 10% of the share, and thereafter, executed a rectification deed.

2.1. After knowing this, the accused, being in Australia, sent hooligans and they created a ruckus at Semmanjeri with the de-facto complainant. Thereafter, she lodged a complaint before the first respondent. Further, the accused threatened the de-facto complainant to withdraw the complaint and called her phone number thrice, threatening her to return the rectification deed executed by his mother and if not, they were threatened with death. Hence, the complaint.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. On a perusal of the First Information Report, it reveals that the petitioner and the second respondent are brothers, and their family has many properties. After the demise of their father, they partitioned their properties,



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in which the petitioner was allotted a 60% share, and the second respondent was allotted a 40% share of the properties. Thereafter, their mother took the petitioner to Australia, and thereafter, she was sent back to her sister's house at Kerala. Further, the second respondent disputed that he was allotted only 40%, and as such, insisted that his mother execute a rectification deed, thereby allotting another 10% share in his favour. After knowing these facts, the petitioner had threatened him with dire consequences over the phone. Therefore, the offence under Section 420 of IPC is not at all attracted as against the petitioner.

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 offence 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) SCC 433**, wherein it is held as follows:-

“14. A reading of the definition of "Criminal



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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 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



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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. In view of the above, this Court finds that the First Information Report in Crime No.804 of 2021 as against the petitioner under Sections 420 and 506(i) of IPC cannot be sustained and liable to be quashed.

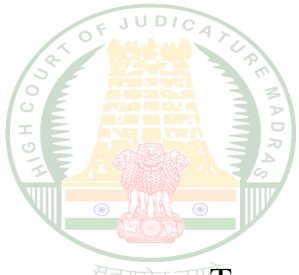
7. Accordingly, the Criminal Original Petition stands allowed and the First Information Report in Crime No.804 of 2021 on the file of the first respondent Police, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

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

kv

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To
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1. The Inspector of Police,
J-8, Neelangarai Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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