



Crl.O.P.No.7425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

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

Crl.O.P.No.7425 of 2024
and Crl.M.P.No.5388 of 2024

Shruthi Thilak

... Petitioner

Vs.

1. The State Rep by
The Inspector of Police,
G-7, Chetpet Police Station,
Kilpauk,
Chennai – 600 008

2. Sabina

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in FIR No.219 of 2022 dated 07.12.2022 on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Karthikei Balan

For Respondents

For R1 : Mr.K.Vinothraja
Government Advocate (Crl.Side)

For R2 : Mr.K.M.Mohamed Riyasath Ali

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.219 of 2022 on the file of the first respondent,



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registered for the offences punishable under Sections 294(b), 448 & 506(1) of IPC.

2. The case of the prosecution is that on the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.219 of 2022, alleging that the second respondent is the servant maid of the petitioner's husband. Already the petitioner and her husband had family disputes. While being so, on 11.09.2022, when the second respondent was doing her work in the house of the petitioner's husband, the petitioner came to the house and quarrelled with her husband. Thereafter on 25.09.2022, the petitioner left her matrimonial home along with her two children, without informing anybody. Further on 27.09.2024, the petitioner through phone scolded the second respondent, and strictly warned her not to come to her husband's house for any work. Thereafter on 11.10.2022, when the second respondent and her husband were not in their house, the petitioner had sent some persons to their house and threatened the entire family members with dire consequences. Hence, the complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioner got married one Dr.Prabhu Thilak on 24.10.2007 and due to difference of opinion between them and extra marital affairs of her husband, the petitioner was driven out from her matrimonial home and she got separated on 29.12.2021. Due to cruelty and harassment made against the petitioner, she lodged domestic violence complaint in DVC.No.95 of 2022 as against her husband, on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai and it is pending for trial. Her husband is the son of former Director General of Police and as such he misused the power and foisted false case as against the petitioner for several offences, and the present impugned FIR is one among them. He further submitted that the petitioner's husband also filed a divorce petition in H.M.O.P.No.1320 of 2023 and it is pending on the file of the III Additional Family Court, Chennai. Now, the present complaint was filed through his house servant maid viz., the second respondent herein. In fact she doesn't know read and write in any language.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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5. It is seen that on 11.10.2022, when the second respondent and her husband were not in their house, the petitioner had sent some persons to there and threatened the other family members with dire consequences. Insofar as the offences registered as against the petitioner in FIR, no offence is made out as per the allegations levelled against the petitioner. In order 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, 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 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



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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 can not be said that the ingredients of the offence under Section 294(b) of IPC is made out.

7. In this regard, it is relevant to rely upon the judgment reported in **2025 SCC OnLine SC 238** in the case of ***Om Prakash Ambedkar Vs. State of Maharastra and ors***, in which the Hon'ble Supreme Court of India held that the test of obscenity under Section 294(b) of IPC is whether the tendency of the matter charged as obscenity is to deprave and corrupt those, whose minds are open to such immoral influences. This Court finds that the words uttered in this case have such a tendency. The words are defamatory about the complainant but this Court doesn't think that the words are obscene and the utterance would constitute an offence punishable under Section 294(b) of IPC. Further it has to be noted in the present case in the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b) of IPC. Mere abusive, humiliating or defamative words by itself cannot attract an

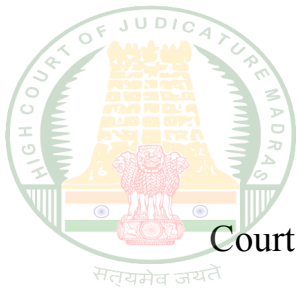


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offence under Section 294(b) of IPC. Therefore, there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. Therefore, no case is made out as against the petitioners to attract the offence under Section 294(b) of IPC.

8. As far 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



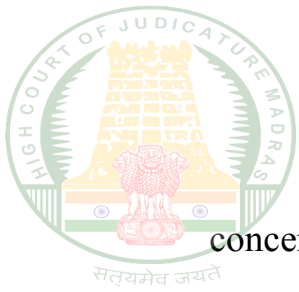
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Court made in **Crl.O.P.(MD)No.11030 of 2014** in the case of **Abdul Agis**

WEB COPY **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 Court. Therefore, this Court is inclined to quash the entire proceedings.”

10. Insofar as the offence under Section 442 of IPC is



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concerned, even according to the second respondent, the petitioner never went to her house. some third persons have gone to her house and have threatened the family members of the second respondent and her husband in their house. All are hear-say allegations that too not against the petitioner. However, FIR has been registered as against the petitioner alone. Therefore, the offence under Section 448 of IPC, did not attract as against the petitioner.

11. In fact, one of the cases initiated as against the petitioner for the offence under Section 294(b), 506 (1) of IPC, r/w. Section 3(1)(r), 3(1)(s) of the Schedule Caste/Schedule Tribes (Prevention of Atrocities) Act, ended in acquittal in Special S.C.No.161 of 2023 by an order dated 17.03.2025 by the learned Principal Session Judge, Chennai. In that order, the trial Court observed that the complaint was fabricated as against the petitioner only to wreck vengeance and it is nothing but matrimonial discard between the petitioner and her husband, by exerting pressure upon the higher police officials. It shows that the petitioner's husband misused the power of police and has kept registering the FIR as against the petitioner. The entire complaint registered as against the petitioner is nothing but a clear abuse of process of law and for wrecking vengeance



as against the petitioner.

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12. In this regard, it is 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.....

(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(3) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;



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(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking 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.



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13. In view of the above discussions, the impugned FIR in Crime No.219 of 2022 on the file of the first respondent, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

28.03.2025

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

rts

To

1. The Inspector of Police,
G-7, Chetpet Police Station,
Kilpauk,
Chennai – 600 008

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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