



Crl.O.P.No.8458 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

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

Crl.O.P.No.8458 of 2025

and

Crl.M.P.No.5553 of 2025

Venkatesan

.... Petitioner

Vs

1. State by Inspector of Police,
Pagandai Kootusalai Police Station,
Kallakurichi.
Crime No.199 of 2022

2.Parameshwari

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.199 of 2022 on the file of the first respondent and quahs the same.

For Petitioner : Mr.K.Nirmal Kumar

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

For R2 : Mr.K.Thenrajan



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ORDER

This Criminal Original Petition has been filed seeking to

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quash the FIR registered in Crime No.199 of 2022 on the file of the first respondent, for the offences under Sections 294(b), 323 and 506(i) of IPC.

2. The case of the prosecution is that there was a money dispute between the first accused and the defacto complaint, arising out of an arrangement made by the first accused to secure employment for the defacto complainant's husband in abroad. It is stated that the defacto complainant's husband passed away in abroad on 01.09.2022 and with the assistance of the Government, the defacto complainant brought back his body and conducted the funeral in her native village. Thereafter, on 30.11.2022 at about 8.00 a.m., the first accused allegedly went to the house of the defacto complainant and demanded repayment of the money borrowed by her husband. When the defacto complainant respondent that she was unaware of such borrowing, the first accused is said to have abused her in filthy language and assaulted her with fists and also threatened her with dire consequences. Hence, the case was registered.



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3. There are totally two accused in which the petitioner is arrayed as A2. Even according to the second respondent, the allegation is that the second accused threatened her over the phone with dire consequences. The entire set of allegations appears to be artificial in nature and there is absolutely no motive attributable to the petitioner for the alleged occurrence.

4. Heard the learned counsel appearing on either side 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) SCC 433*, wherein it is held as follows:



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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 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*



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*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 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**



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in the case of ***K.Jeyaramanuju Vs. Janakaraj & anr.,*** wherein it is held

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"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. Therefore, the offences under Section 294(b) and 506(i) is not at all attracted as against the petitioner. Even as against the first accused, no prima facie offence is made out under Section 323 of IPC, since the occurrence was taken place on 30.11.2022, alleging that the first accused attacked the second respondent with his hand. However,



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the complaint was lodged after an unexplained delay of nearly 12 days.

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That apart, FIR is pending without any further progress. The mere pendency of the FIR against the accused would not serve any purpose. Hence, the FIR registered in Crime No.199 of 2022 cannot be sustained and is liable to quashed.

8. In view of the above, the FIR registered in Crime No.199 of 2022 on the file of the first respondent is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

09.04.2025

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

1. Inspector of Police,
Pagandai Kootusalai Police Station,
Kallakurichi.

2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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