

Crl.OP.No.16734 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2025

CORAM:

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

Crl.O.P.No.16734 of 2023

and

Crl.MP.No.10741 of 2023

K.Anitha

... Petitioner

Vs.

1. State Represented by
The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.

2. R.Anjugam

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in FIR No.357 of 2022 on the file of Sethiyathope Police Station, Cuddalore District and quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.VinothRaja
Government Advocate (Crl.Side)
for R1

ORDER



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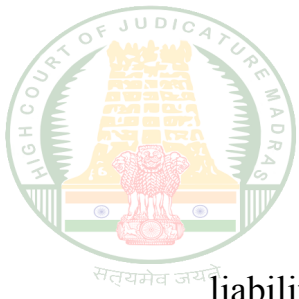
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This petition has been filed to quash the FIR registered in Cr.No.357 of 2022 on the file of the first respondent.

2. The case of the prosecution is that the second respondent borrowed a sum of Rs.20,000/- from the petitioner in the year 2016. At the time of borrowing, the second respondent also executed a promissory note for the said amount. Though she has repaid more than the principal amount along with interest, the petitioner allegedly visited the house of the second respondent repeatedly and abused her, demanding exorbitant interest for the amount borrowed. Hence, the present complaint was lodged.

3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.357 of 2022 for the offences under Sections 294(b) and 506(i) of IPC, and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

4. A perusal of the records reveals that the second respondent has admittedly borrowed a loan from the petitioner. When the petitioner demanded repayment of the said loan, the second respondent lodged the present complaint in order to evade legal



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liability. Even as per the allegations made against the petitioner, the offence under Section 294(b) IPC is not at all attracted.

5. 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, which reads 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."*

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 petitioner, 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 petitioner annoyed



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others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC are made out.

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

The above judgement 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.

7. Likewise there is no ingredients available to attract the offence under Section 506(i) of IPC. 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.



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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.

8. 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:-

“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.



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

9. 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.:

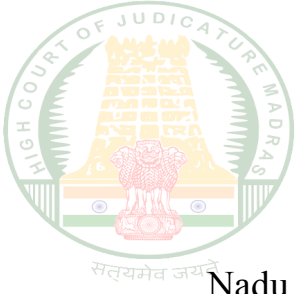
"102.....

.....

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."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

10. Insofar as the offences under Sections 3 and 4 of the Tamil



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Nadu Prohibition of Charging Exorbitant Interest Act are concerned, the allegations are purely imaginary. The second respondent has not even made a whisper regarding any specific payment made by her in connection with the loan borrowed from the petitioner. Therefore, the entire FIR cannot be sustained or proceeded with against the petitioner and is liable to be quashed.

11. Accordingly, the F.I.R register in Crime No.357 of 2022, on the file of the first respondent police is hereby quashed and accordingly, this Criminal Original Petition stands allowed.

04.04.2025

Vv

To

1. The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.



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