

Crl.OP.No.19409 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2025

CORAM:

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

Crl.O.P.No.19409 of 2023

and

Crl.MP.No.13054 of 2023

1.S.Nambikkaimary

2.K.Sathish

... Petitioners

Vs.

1. The State Represented by
The Inspector of Police,
Vadalore Police Station,
Vadalore, Cuddalore District.
(Cr.No.553 of 2022)

2. T.Arokkiayasami

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned in Cr.No.553 of 2022 pending investigation on the file of the first respondent.

For Petitioners : Mr.Y.Kanishkar Rao

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1
: No Appearance for R2

ORDER



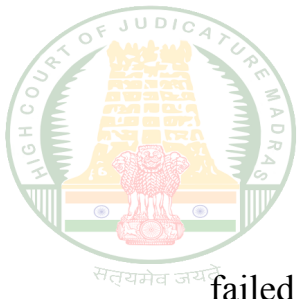
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This petition has been filed to quash the FIR registered in Cr.No.553 of 2022 on the file of the respondent police .

2. Though notice was served on the second respondent and his name is also printed in the cause-list, no one appeared before this Court neither in person nor through counsel.

3. On the complaint lodged by the second respondent, the first respondent registered an FIR against the petitioners in Cr.No.553 of 2022 for the offence punishable under Sections 294(b), 506(ii) and 420 of IPC for the allegations that the first petitioner is the owner of the property measuring to an extent of 2616 sq.ft bearing old S.F.No.425/2, New S.F.No.184/9, Kottakarai Naidu Street, Parvathipurram Village, Cuddalore District. The first petitioner and second respondent had entered into a sale agreement dated 16.12.2019 in respect of the said property, by and which, the second respondent had agreed to purchase the property for Rs.46,00,000/- and paid advance of Rs.60,000/- by cash and Rs.10,00,000/- by way of a cheque and that the parties had agreed to complete the transaction within a period of three months. Thereafter, the first petitioner has



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failed to execute any sale deed even after repeated demand made by the second respondent. Though the second respondent was ready to make balance sale consideration, the first petitioner has failed to register any sale deed. When it was questioned by the second respondent, the first respondent along with the second petitioner who is none other than the husband of the first petitioner threatened him with dire consequence.

4. A perusal of the entire records revealed that the first petitioner had entered with the sale agreement with the second respondent and received advance. Thereafter, the first petitioner has refused to register the sale deed. Even assuming that the first petitioner has refused to register the sale deed, it could not amount to any offence under Section 420 of IPC, is not at all attracted. Hence, the second respondent is directed to approach the Civil Court for proper relief.

5. In so far as the second petitioner is concerned, except the relationship of husband of the first petitioner. He has no way connected with the property and he never entered into a sale agreement with the second respondent.



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



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

8. Insofar as the offence under Section 506(ii) of I.P.C is concerned, threat should be a real one and not just a mere words when the person uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Whereas, in the case on hand, there is no averment to attract the offence under Section 506(ii) of I.P.C.

9. It is also relevant to extract the judgement reported in **(1992) SCC Crl. 426** in the case of **Bajanlal v. State of Haryana,**



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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 FIR is nothing but clear abuse of process of law and it cannot be sustained as against the petitioners and liable to be quashed.

10. In view of the the FIR registered in Crime No.553 of 2022 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.



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To

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

G.K.ILANTHIRAIYAN, J.

Vv



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