



Crl.O.P.No. 22205 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

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

Crl.O.P.No.22205 of 2024 and
Crl.M.P.Nos.12672 and 12674 of 2024

1.S.Jesilin

2.Babu Mailan

... Petitioners

Vs.

1.The State represented by
Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.
Crime No.176 of 2023.

2.E.William

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.11 of 2024 pending on the file of Judicial Magistrate No.II, Pollachi and quash the same.

For Petitioners : Mr.D.Suriyanarayanan

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)



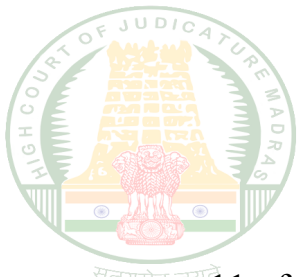
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ORDER

This petition has been filed to quash the proceedings in C.C. No. 11 of 2024 on the file of the Judicial Magistrate No. II, Pollachi, Coimbatore.

2. The case of the prosecution is that, on a complaint lodged by the second respondent, it is alleged that on 30.07.2023, the accused entered the Faith Assembly Spiritual Church, Kallipalayam, T. Kottampatti, Pollachi, and started performing Sunday worship by singing songs. At that juncture, some of the devotees, who did not have faith in the worship, pulled the singing microphone and forcibly removed the first petitioner from the stage, while the second petitioner took photographs and videos. Consequently, some devotees entered into a verbal altercation with the petitioners and allegedly threatened the second respondent with dire consequences. Based on the complaint, the first respondent registered an FIR in Crime No. 176 of 2023 for the offence under Section 506(i) of IPC. After completing the investigation, the final report was filed and the same has been taken cognizance of in C.C. No.



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11 of 2024 by the Trial Court.

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3. Heard both sides and perused the materials placed on record.

4. On a perusal of the statements recorded from the witnesses and the charge sheet filed in Crime No. 176 of 2023, it is observed that the petitioners went to the church to perform Sunday worship and allegedly threatened the second respondent with dire consequences. However, there is no specific allegation against the petitioners, nor is there any statement regarding the threats made by them.

5. In order to attract the offence under Section 506(i) of I.P.C 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 petitioners were only empty



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threats and they had no effect on the complainant.

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



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7. In view of the above, the entire proceedings in C.C. No. 11 of 2024 pending before the Judicial Magistrate No. II, Pollachi, Coimbatore cannot be sustained and is liable to be quashed. Accordingly, the proceeding in C.C. No. 11 of 2024 is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

12.03.2025

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

To

1. The Judicial Magistrate No. II, Pollachi, Coimbatore
2. The Inspector of Police,
Mahalingapuram Police Station,
Pollachi, Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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