



CrI.O.P.No.22065 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 22065 of 2025

&

CrI.M.P.No. 15107 of 2025

1.R.Brindha

2.Gowtham

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station – East,
Coimbatore City,
Coimbatore.

2.Ayesha @ Mumtaj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of

Bharatiya Nagarik Suraksha Sanhita, to call for the records in

1/17



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SC.No.171 of 2025 pending on the file of the learned Mahila Court /

Additional Special Court for trial of cases under POCSO Act,
Coimbatore.

For Petitioners : Mr. R.Vivekananthan
For Respondent 1 : Mr. K.M.D.Muhilan
Additional Public Prosecutor
For Respondent 2 : Mr. R.Murugabharathi

ORDER

This criminal original petition has been filed by A3 and A4 seeking to quash the proceeding pending against them in SC.No.171 of 2025 on the file of the learned Mahila Court / Additional Special Court for trial of cases under POCSO Act, Coimbatore, for the offences under Sections 417, 376 (1), 294 (b) and 506 (ii) of IPC.



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2. The case of the prosecution is that the de facto complainant had a love affair with R.Gokul (son of 1st petitioner herein) in the year 2017. In December 2017, the said Gokul called the de facto complainant to his house to introduce her to his friends and finding no one in the house, Gokul utilised the situation and had sexual intercourse with her stating that she is his future wife and promised to marry her. It is further alleged that Gokul has also had sexual intercourse with the de facto complainant in her house when her parents were not available.

3. It is further alleged that the de facto complainant insisted Gokul to speak with his father about their marriage. On 16.02.2024, Gokul, along with his parents and brother, came to one of their neighbours, Usha's house to speak about their marriage, where the 1st



petitioner and her husband refused to arrange the marriage of their son

Gokul with the de facto complainant and informed that they have fixed a girl for marriage from their own caste for their son. Thereafter, the said Gokul informed the de facto complainant that he spoke to her for the past seven years only for relieving his stress and time pass. Then the petitioners along with A2, husband of the 1st petitioner threatened the de facto complainant that if she tries to marry Gokul, she will face dire consequences. Hence, the de facto complainant lodged a complaint before the respondent police against Gokul, Ravichandran (Father of A1) and the petitioners herein.

4. The learned counsel for the petitioners would submit that the petitioners are the mother and younger brother of the main accused.



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He would further submit that the case as against the petitioners cannot

be maintained since other than general and vague allegations, there is

no specific allegation as if the petitioners have abused the de facto

complainant and criminally intimidated her. The uncontroverted

allegations do not make out ingredients of offences under Section 294

(b) and 506 (ii) IPC, as against the present petitioners. Therefore, the

proceeding as against the petitioners who have no role in this case is an

abuse of process of law and he would seek to quash the proceedings as

against the petitioners. In support of his contentions, the learned

counsel for the petitioner relied on the judgement of the Hon'ble

Supreme Court in ***Pawan Kumar Vs. State of Haryana and another***

reported in ***(1996) 4 SCC 17*** and the judgement of this Court in

Murugavel Vs. State represented by the Inspector of Police, All

Women Police Station reported in ***2019 SCC Online Mad 26824***.



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5. The learned Additional Public Prosecutor appearing for the 1st respondent police would submit that A1 had cheated the de facto complainant and committed rape on her and when she questioned the family members of A1, the petitioners have abused her in filthy language and have also intimidated her. He would further submit that there are statements supporting these allegations by way of witnesses, viz., LW4 and LW7.

6. The learned counsel for the 2nd respondent / de facto complainant would submit that the 2nd respondent had met the family members for conducting panchayat. However, the petitioners abused her and also intimidated her and it has been supported by the statements of LW4 and LW7. He would further submit that the 2nd



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petitioner has also sent an abusive message in Instagram. Therefore, he seeks dismissal of this petition.

7. Heard the learned counsel on either side and perused the records, including Section 161 Cr.P.C. statements recorded from the witnesses.

8. Though the de facto complainant claims that the family members of the 1st accused have abused her and also intimidated her, allegations as against the petitioners are general and vague in nature and they are not specific. Further, there is no whisper about the words said to have been uttered against her.

9. In *Pawan Kumar Vs. State of Haryana and another* reported in (1996) 4 SCC 17, the Hon'ble Surpeme Court has held as



under:

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“8.Section 294 of the Indian Penal Code 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 utter 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.

9.In order to secure a conviction the provision

requires two particulars to be proved by the prosecution,

ie., (i) the offender has done any obscene act in any

public place or has sung, recited or uttered any obscene



songs or words in or near any public place; and (ii) has

so caused annoyance to others. If the act complained of is not obscene, or is not sung, recited or uttered in or near any public place, or that it causes no annoyance to others, the offence is not committed.”

10. In ***Murugavel Vs. State represented by the Inspector of Police, All Women Police Station*** reported in ***2019 SCC Online Mad 26824***, this Court has held under:

“4. The learned counsel appearing for the petitioner would submit that except PW.1 no other witnesses have spoken about the petitioner having criminally intimidated PW 1 and that there being no evidence on record, the court below erred in convicting the petitioner. He would submit that in order to bring the offence under Section 506(ii) of IPC, the threat should be real one and not just mere words. Taking into consideration



*the evidence of PW.1 she had not stated that she had felt any fear for life and therefore the offence under Section 506(ii) of IPC is not made out. Further empty threat does not prima facie meaning that the case under Section 506 of IPC is made out as against the petitioner. Inorder to make out the case for the offence under Section 506(i) of IPC there should be evidence to show that by such threat the complainant was criminally intimidated. In support of his submission he relied on the judgment of this Court in the case of **Rajan-vs- Inspector of Police, Central Crime Branch, Tiruppur reported in 2008(2) Mad WN(Cri.)258**, where in it is held as follows:*

“ 8. The next allegation raised by the petitioner is alleged criminal intimidation. It is fairly submitted by the learned Additional Public Prosecutor that there is no whisper about the criminal intimidation in the complaint and such allegation was made subsequently during the course of examination of witnesses. It is seen that a bald and vague allegation of criminal intimidation was made only at a later stage and the same is nothing but an after –



thought.

9. This Court in a decision in **Noble Mohandass v.State. 1989 Crl.J 669** has held as follows:

Further for being an offence under Section 506(ii) which is rather important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually. In Fact PW 1 when she filed the complaint to the police office, did not express any fear for her life nor asked for any protection.

10. In a similar offence, the Punjab and Haryana High Court quashed the proceedings in respect of the offence under Section 506(ii) IPC in a case in **Usha Bala v.State of Pubjab (P&H), 2002(2) C.C. Cases 320(P&H)**, that “ Empty threat does not prima facie mean that the case U/s.506, IPC is made out against the petitioner. Hence, in face no case is made out against the petitioner. Consequently FIR No.313 dated 15.07.1999



U/s.406/498(A) IPC of Police Station, Sadar, Patiala is quashed qua the petitioner only”

*5. He also relied on the judgment of the Apex Court in the case of **Vikram Johnar -vs- State of Uttar Pradesh and another in Criminal Appeal No. 759 of 2019.***

*“27. Now, reverting back to Section 506, which is offence of criminal intimidation, the principles laid down by **Fiona Shrikhande (supra)** has also to be applied when question of finding out as to whether the ingredients of offence are made or not. Here, the only allegations is that the appellant abused the complainant. For proving an offence under Section 506 IPC, what are ingredients which have to be proved by the prosecution ? **Ratanlal & Dhirajlal on Law of Crimes, 27th Edition** with regard to proof of offence states following:*

The prosecution must prove

(i) That the accused threatened some person

(ii) That such threat consisted of some injury to his person, reputation or property of some one in whom he was



interested

(iii) That he did so with intent to cause alarm to that person; or to cause that person to do any act which he was not legally bound to do, or omit to do any act which he was legally entitled to do as a means of avoiding the execution of such threat ”.

The above decisions are squarely applicable to the facts of the present case.

11. In such circumstances, this Court is of the opinion that there is no material to proceed against the petitioners and further, the proceedings as against the petitioners is an abuse of process of law. Therefore, the proceedings as against A3 and A4 alone who are the petitioners herein, is quashed.

12. Accordingly, this criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.



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Neutral Citation: Yes/No



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To

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Coimbatore.

2.The Public Prosecutor,
High Court of Madras.

3.The Mahila Judge / Additional Special Judge
for trial of cases under POCSO Act,
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A.D.JAGADISH CHANDIRA, J.

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