



Crl.O.P.(MD)No.1529 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.1529 of 2024

and

Crl.M.P.(MD)Nos.1055 and 1056 of 2024

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... Petitioner/Accused No.3

Vs.

1.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.14 of 2023)

... 1st Respondent/Complainant

2.Durgadevi

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.159 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.R.Velmurugan

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : Mr.D.Balamurugapandi



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in C.C.No.159 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram, which was filed for the offence under Section 506(1) of IPC as against the petitioner.

2. The gist of the allegations in the final report is that the defacto complainant and the first accused got married 20 years ago; that they were living together for 10 years; that the first accused had never taken care of the defacto complainant properly; that on 02.04.2023, the first accused had attempted to poison the food that was to be taken by the defacto complainant and children; that thereafter, on 21.05.2023, the defacto complainant was chased away from the matrimonial home and was forced to hand over her thali chain weighing 15 sovereigns of gold; that the petitioner/A3 is the junior paternal uncle of the first accused; that he had threatened the defacto complainant's son of dire consequences; that during a Panchayat meeting, the petitioner along with the other accused had threatened the defacto complainant stating that the defacto complainant and her children would be buried alive and thus committed the aforesaid offence.



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3. The impugned final report is filed as against the first accused for the offences under Section 498A, 406 and 506(1) of IPC and as against this petitioner for the offence under Section 506(1) of IPC.

4. The learned counsel for the petitioner would submit that the impugned prosecution is an abuse of process of law; that the petitioner cannot be prosecuted for the alleged offence as there is nothing in the final report to suggest that there was any real threat to attract Section 506(1) of IPC; and that the allegations of threat are also vague and generic.

5. The learned counsel for the second respondent however would submit that in a Panchayat meeting, all the accused had threatened the defacto complainant that she would be buried alive if she does not come to terms.

6. Heard the learned Additional Public Prosecutor, who would reiterate the allegations in the final report and oppose the quashing of the final report.

7. The petitioner admittedly is not accused of the offence under Section 498(A) of IPC. The petitioner is the junior paternal uncle of the first accused. The allegation of cruelty to the defacto complainant is made against the first



accused. As stated earlier, the only allegation against the petitioner is that he had threatened the defacto complainant's son once and also had along with the other accused threatened the defacto complainant in a Panchayat meeting. In fact, in the first instance of threat, there is no detail as to what is the nature of threat. The petitioner is also related to the defacto complainant's son. In the second instance, the allegation is that all of them had jointly threatened the defacto complainant and the allegations do not suggest any real threat so as to warrant prosecution under Section 506(1) of IPC.

8. This Court, in the case of ***Noble Mohandass vs. State*** reported in ***1989 Cri.Lj 669***, had held as follows:

“7. Further for being an offence under Section 506(2) which is rather an 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.”

The above observations would squarely apply to the facts of the instant case. Hence, this Court is inclined to quash the impugned final report in C.C.No.159 of 2023 on the file of the learned Judicial Magistrate, Additional Mahila Court,



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Ramanathapuram, only insofar as the petitioner is concerned and accordingly quashes the same.

10. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

21.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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