



Crl.A(MD)Nos.646 & 647 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.07.2025

CORAM:

THE HON'BLE Dr.JUSTICE R.N.MANJULA

Crl.A(MD)Nos.646 & 647 of 2025

1. Krishnamoorthy

2. Anjali

... Appellants in Crl.A(MD) No.646 of 2025

1. Rajeshwari

2. Sakthivel

... Appellants in Crl.A(MD) No.647 of 2025

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station- Kulithalai,
Crime No. 21/2023.

2. The Deputy Superintendent Of Police,
Kulithalai, Karur, Karur.

... 1st & 2nd Respondents in both appeals

3. Archana

(R3-*suo-motu* impleaded as per the order
of this Court, dated.09.07.2025)

... 3rd Respondent in Crl.A(MD) No.646 of 2025

Common Prayer: These Criminal Appeal Cases filed under Section 14A(2) of SC/ST(PoA) Act to call for records and set aside the order, dated 27.11.2024, passed in Crl.M.P.Nos.862 and 870 of 2024 in Spl.SC No.08 of 2024 on the file of learned Principal District Judge, Karur.



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For Appellants : Mr. T.Robert Chandra Kumar

For Respondent : Mr.K.Gnanasekaran
Government Advocate (Crl.Side)

COMMON JUDGMENT

These Criminal Appeals have been filed challenging the common order of the learned Principal District Judge, Karur, dated 27.11.2024, made in Crl.M.P.Nos.862 and 870 of 2024 in Spl.SC No.08 of 2024.

2.The appellants in Crl.A(MD) No.646 of 2025 are the accused Nos.2 and 3 and the appellants in Crl.A(MD) No.647 of 2025 are the accused Nos.4 and 5.

3.As per the case of the prosecution the first accused and the defacto complainant have been in love with each other and during that time, on the compulsion of the first accused and on the pretext of marrying her, the defacto complainant was subjected to repeated sexual intercourse with him. When the defacto complainant and her family members insisted the first accused to marry her, he refused to marry.



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4. On 18.09.2023, at about 7:30 AM, the defacto complainant came to the house of the first accused, on hearing the news that the first accused is going to marry someone else, but the first accused was not there. The other accused abused the defacto complainant in filthy language and denigrated her by making casteist slur.

5. After completing the investigation, charge sheet has been filed against the first accused under Sections 417, 366, 342, 493, 376(2) (n) IPC and 3(1)(w)(i), 3(2)(V) of SC/ST (PoA) Act, 1989 (hereinafter referred to as 'SC/ST Act') and against the appellants/accused 2 to 5 under Sections 294(b), 506(ii) IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, (hereinafter referred to as 'TNPHW Act') and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act.

6. So far as the appellants, who are accused Nos. 2 to 5 are concerned, applications have been filed before the trial Court under section 227 of Cr.P.C to discharge them from the charges levelled against them, by alleging that there is no material to make a prima facie case against them. Those petitions have been heard by the learned Principal Sessions Judge and a common order has been passed on 27.11.2024 dismissing the petitions. Aggrieved over that, these appeals have been



preferred.

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7.Though notice was served on the defacto complainant, there is no appearance on her behalf either in person or through her counsel.

8.The learned counsel for the appellants submitted that the defacto complainant has made all the allegations only against the first accused and there are no materials available on record to make out a case against the accused 2 to 5. But the trial Court did not appreciate the same. The learned trial Judge has not appreciated the materials in a holistic fashion.

9.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that at the time of hearing the discharge applications, the Court below is not supposed to make any rowing enquiry. The learned trial Judge has rightly done the exercise only based on the materials placed before the Court. The available materials make out a case as against the appellants/Accused 2 to 5 and hence, the discharge petitions have rightly been dismissed by the trial Court.



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10.I have given my anxious consideration to the submissions made on either side and carefully perused the records.

11.On perusal of the complaint filed by the defacto complainant, it is revealed that the first accused and the victim girl are in love with each other for the past 3 years and there have been instances of physical relationship between them. It is alleged by the defacto complainant that those occurrences had happened only at the compulsion of the first accused and on his assurance to marry her.

12.Even according to the averments in the compliant and statement of the defacto complainant, it is not stated that the accused 2 to 5, who are the parents, sister and sister's husband of the first accused, had any knowledge about the affair between the complainant and the first accused. The allegation has not been made as to the physical relationship between the defacto complainant and the first accused and it had taken place in the house of the first accused with the knowledge of the accused 2 to 5.

13. In the complaint and the statement of the defacto complainant, she has stated that on hearing the news that the first accused was going to marry some other person, she consumed poison and

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thereafter, she was pacified by her relatives saying that they would negotiate the matter with the first accused and see that he is marrying her.

So, it is alleged that the defacto complainant along with her mother, step-father and Uncle had gone to the house of the first accused and at that time, the 1st accused was not there. When the defacto complainant told about the affair between herself and the first accused and its consequences, the accused 2 to 5 had scolded her in filthy language and denigrated her by caste calling and also threatened her not to fetch up the matter any further. On these allegations, the appellants / accused 2 to 5 have been roped in the case.

14.The learned counsel for the appellants submitted that there is no material on record to show that any of the allegations with regard to the offence under Section 294(b) or the corresponding offence under the Sections 3(1)(r), 3(1)(s) of SC/ST Act had occurred in the public view. There is no scope for charging the appellants for the offence under Section 4 of TNPHW Act as well for the same reason that the occurrence had not taken place in the public view. He further submitted that in order to make out an offence of criminal intimidation to be punishable under section 506(2) IPC, the intimidation ought to have been substantial and realistic. The materials available would only show that



the words have been uttered.

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15.Even according to the complaint and statement of the defacto complainant, the allegations as against these appellants had been made due to the alleged involvement when she visited the house of the first accused. Since the house of the first accused is not a public place, but a private dwelling unit, the fundamental feature of uttering any words to constitute an offence under Section 506(2) IPC will not arise.

16.In order to make out a charge against a person for the offences under section 294(b) IPC and 3(1)(r), 3(1)(s) of SC/ST Act, it has to be shown that the occurrence had taken place in the public view. For better clarity, the provisions under Sections 294(b) IPC and 3(1)(r), 3(1)(s) of SC/ST Act are extracted as below:

“Section 294(b) IPC:

294. Obscene acts and songs —

Whoever, to the annoyance of others—

(a) ...

(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.”



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“Sections 3(1)(r), 3(1)(s) of SC/ST Act:

3. Punishments for offences atrocities.—

3 [(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,

...

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view; “

17.In the absence of any public view, there cannot be any prima facie case made out as against the accused 2 to 5 for the offences under section 294(b) IPC and Sections 3(1)(r), 3(1)(s) of SC/ST Act.

18.So far as the other offence under Section 506(2) IPC is concerned, it is defined as under:

“506. Punishment for criminal intimidation —

If threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute,



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unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

19. There should be materials to show that the threat to cause death or grievous hurt or destruction to any property by fire or to cause any offence of serious nature, which is punishable with death imprisonment for life or imprisonment for a term which may extend to 7 years or to impute unchastity to women should be the ingredients to make out an offence under Section 506(2) IPC.

20. The position of law on criminal intimidation has been settled and it has been held time and again that mere exchange of words is not sufficient to constitute an offence under Section 506(2) IPC. In this regard, it is appropriate to cite the Judgment of the Hon'ble **Supreme Court** held in ***Manik Taneja another Vs State of Karnataka***, reported in **2015 7 SCC 423**, wherein, it has been held that the threat must be with intention to cause alarm to the complainant and to cause that person to do or omit to do any work. It is further held that mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of the said provision. It is appropriate to extract the relevant portions of the Judgment as hereunder:



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“11. [Section 506](#) IPC prescribes punishment for the offence of criminal intimidation. "Criminal intimidation" as defined in [Section 503](#) IPC is as under:-

"503. Criminal Intimidation.- Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that 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, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.- A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section."

A reading of the definition of "Criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.



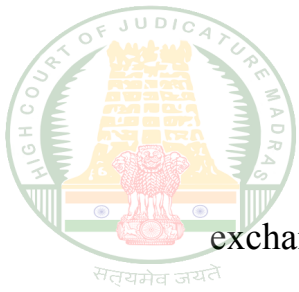
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12.In the instant case, the allegation is that the appellants have abused the complainant and obstructed the second respondent from discharging his public duties and spoiled the integrity of the second respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "Criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was no intention on the part of the appellants to cause alarm in the minds of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on the Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of appellants posting a comment on the Facebook may not attract ingredients of criminal intimidation in [Section 503 IPC](#).

21.In the instant case, the materials do not disclose any other serious act done in pursuant to the intention of criminal intimidation as spoken by the defacto complainant or other witnesses. Except the



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exchange of words saying that the complainant would be finished cannot constitute an offence under Section 506(2) IPC.

22.As the materials available on record does not have anything to show that the intimidation is realistic and it is just words expressed out of anger. I do not find a case against the accused for the offence under Section 506(2) IPC.

23.The appellants have also been charged for the offence under Section 4 of TNPHW Act. The harassment is defined under Section 2 of the Act is extracted hereunder:

“(a) “harassment” means any indecent conduct, act or behaviour by a man, whether physical, verbal, non-verbal, digital, electronic or any other means, which causes or is likely to cause intimidation, fear, shame or embarrassment including threat or abusing or causing hurt or nuisance or assault or use of force;”;

24.Anyone commits the above act is punishable under Section 4 of TNPHW Act. Even though the above provisions does not explicitly make a mention about the word 'public view', interpretation has



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been given on the basis of the statement of objects and reason by holding that the harassment done to a woman can become an offence punishable under Section 4 of the Act only if such harassment has been taken place in the public view. In this regard, it is essential to refer the Judgment of this Court held in ***Gouresh Mehra Vs State, in Crl.O.P.No.13501 of 2010***, wherein it is held that:

“This Court is of the considered opinion that the words 'any other place' found in [Section 4](#) are to be read 'ejusdem generis'. [The Tamil Nadu Prohibition of Harassment of Women Act, 1998](#) when originally enacted consisted of 10 sections and came into force on 30.07.1998. The offences [u/s.4-A](#) Harassment death, 4-B Harassment suicide and 4-C Presumption as to harassment death and abetment of harassment suicide have been included under subsequent amendments of the year 2002. Confining ourselves to the offence contemplated [u/s. 4](#) and looking into the objects and reasons of the enactment not towards informing ourselves of the amplitude of the Act but towards understanding the idea behind it, we find that the enactment was intended as a measure to eradicate eve teasing in public places. [The Act](#) informs what would constitute harassment in general terms in [Section 3](#) and while prescribing a penalty for harassment under [section 4](#) restricts the same to harassment committed at particular places. Proceeding further, we find that [u/s. 5 & 6](#), responsibilities are cast upon persons in-charge of educational institutions, temple or other places of worship, cinema theatre or any other precinct and upon the crew of a public service vehicle or vessel. This Court considers it reasonable to hold that [Section 4](#) of the Act was meant to deal with offences occurring in the places informed or in places of like nature. If not so read, the



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mention of the particular places in [section 4](#) would be rendered redundant and such could not have been the legislative intent. To put it differently, if the intent was to attract punishment for harassment at any and every place, [section 4](#) simply could have read as follows :

'4. Penalty for harassment of woman. -- Whoever commits or participates in or abets harassment of woman in any place shall be punished

7. In [Kochuni v. States of Madras and Kerala](#), AIR 1960 SC 1080, it has been explained that the rule of 'ejusdem generis' was that when general words follow particular and specific words of the same nature, the general words must be confined to the things of the same kind as those specified. It was further observed that it is clearly [laid down by](#) decided cases that the specific words must form a distinct genus or category. It is not an inviolable rule of law, but it is only permissible inference in the absence of an indication to the contrary. In *Lila Vati Bai v. State of Bombay*, AIR 1957 SC 521, it is informed that the rule of 'ejusdem generis' is intended to be applied where general words have been used following particular and specific words of the same nature on the established rule of construction that the legislature presumed to use the general words in a restricted sense; that is to say, as belonging to the same genus as the particular and specific words. Such a restricted meaning has to be given to words of general import only where the context of the whole scheme of legislation requires it. But where the context and the object and mischief of the enactment do not require such restricted meaning to be attached to words of general import, it becomes necessary to give a plain and ordinary meaning."



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25.In the said case, this Court has held that the statement of objects and reasons for the Tamil Nadu Prohibition of Harassment of Women Act would state that eve teasing has to be curtailed. As the statement of object itself stated that eve teasing in public places has been a perennial problem and legislative measures is intended to be taken for the purpose of tackling the same. The place of occurrence of such harassment ought to be a public place.

26.In the case on hand, nothing is shown to prove that the occurrence had taken place in the public view and hence the application of Section 4 of TNPHW Act also is not correct. There is a possibility if the accused is subjected to trial the Court could find them guilty for the offence under Section 354 IPC instead of Section 4 of TNPHW Act. Section 354 IPC is extracted as below:

“354A. Sexual harassment and punishment for sexual harassment.

(1) A man committing any of the following acts—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures;*
- (ii) a demand or request for sexual favours; or*
- (iii) showing pornography against the will of a woman; or*
- (iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.*

(2) Any man who commits the offence specified in clause (i) or



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clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”

27.In order to constitute an offence under Section 354(A) IPC there should be assault or criminal force and that was conspicuously absent either in the complaint or in the statement of witnesses. So without having any ground material to charge these appellants for the offences under Sections 294(b), 506(ii) IPC r/w 4 of TNPHW Act and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act, charge sheet has been filed without any basic materials. If the accused are compelled to subject themselves for a criminal trial, it would not only waste the time of the Court, but also a kind of harassment to the accused.

28.So far as the first accused is concerned, there are enough materials to show that he has involved in the occurrence. Just because the other accused stand in a close relationship with the first accused, those accused appears to have been added as accused in this case, just for the purpose of satisfying the defacto complainant, but without any basic



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materials.

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29. In view of the above stated reasons, this Court is of the considered opinion that the order of the learned trial Judge is liable to be reversed.

30. Accordingly, *these Criminal Appeals stand Allowed and the common order of the learned Principal District Judge, Karur, dated 27.11.2024, made in Crl.M.P.Nos.862 and 870 of 2024 in Spl.SC No.08 of 2024 is set aside and the appellants/A2-A5 alone discharged from the charges levelled against them in SC No.8 of 2024 on the file of District Court, Karur.*

23.07.2025

NCC : Yes/No
Index : Yes/No
PNM

To

1. The Principal District Judge, Karur
2. The Inspector of Police,
All Women Police Station- Kulithalai,
3. The Deputy Superintendent Of Police,
Kulithalai, Karur, Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Dr. R.N.MANJULA, J.

PNM

COMMON JUDGMENT IN

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