



Crl.O.P.(MD)No.15221of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15221 of 2025

and

Crl.M.P.(MD) Nos.12348 and 12349 of 2025

Ramkumar

... Petitioner / Sole Accused

-Vs-

1.The State of Tamil Nadu

Rep. by the Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
(Crime No.113/2020).

... 1st Respondent / Complainant

2.Manonmani

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., To call for the records in C.C.No.404 of 2020 on the file of the Judicial Magistrate Court, Aruppukottai and quash the same as against the petitioner herein.

For Petitioner : Mr.P.T.Ramesh Raja,
Advocate.

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

This petition has been filed to quash the final report in C.C.No.404 of 2020 on the file of the Judicial Magistrate Court, Aruppukottai and quash the same as against the petitioner herein, filed for the offences punishable under Sections 294(b), 341, 506(i) of IPC and Section 4 of TNPHW Act, 2002.

2. The gist of the allegation in the impugned final report is that the first petitioner is the brother of the defacto complainant; that there is a property dispute; that the petitioner had claimed right over the property and abused the defacto complainant in filthy language and also committed the offence of criminal intimidation.

3. The learned counsel for the petitioner would submit that there is a civil dispute between the petitioner and the defacto complainant; that a suit for partition is pending in O.S.No.61 of 2021 on the file of the Additional District Court, Virudhunagar; that the allegations would not attract any of the offences; and that even assuming it attracts the offences alleged considering the relationship and since the harm caused is slight the impugned proceedings may be quashed.



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4. The learned Additional Public Prosecutor would reiterate the contents of the impugned final report and would submit that the case is now posted for examination of witnesses on 12.12.2025.

5. Though the second respondent has been served and her name is printed in the cause list, none has entered appearance.

6. The allegation is that the petitioner, claiming right over the property, had abused the defacto complainant in filthy language, stopped her in a public place and also threatened her of dire consequences, if she did not give a share.

7. Admittedly the petitioner and the defacto complainant are siblings. There is a civil suit pending between them in O.S.No.61 of 2021 before the Additional District Court, Virudhunagar. The question in the instant quash petition is whether on the admitted facts, the offences under Section 294(b) and 506(i) IPC are made out. The Hon'ble Supreme Court in the case of ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in **(2022) 17 SCC 818** has held as follows:



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"8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.

9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. 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 appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out."

8. Similarly, to attract the offence under Section 506(2) IPC, there must be a real threat. 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.”

9. The allegations at best would suggest that the petitioner had abused the second respondent in an undesirable manner. The petitioner is alleged to have stopped her sister/second respondent to talk to her. The same would not attract the offence under Section 341 of IPC. The other allegations regarding humiliating the second respondent in a public place is trivial in nature. The act would be squarely covered under Section 95 of IPC. Considering the relationship between the parties, this Court is inclined to quash the impugned final report in C.C.No.404 of 2020 on the file of the Judicial Magistrate Court, Aruppukottai.



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10. With the above observations, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

30.10.2025

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

Indu/dk

To

- 1.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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