



Crl.O.P.(MD)No.14998 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.14998 of 2025

and

CRL.MP(MD) No.12170 of 2025

1.Senthilkumar

2.N.Nageswari

... Petitioners / Accused Nos.2 and 3

-Vs-

1.The State of Tamil Nadu,
represented by the Inspector of Police,
All Women Police Station,
Karur, Karur District.
In Crime No.6 of 2024.

...1st Respondent/Complainant

2.Shanmugapriya

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.13 of 2025 on the file of the learned Additional Mahila Court, Karur, in Cr.No.6 of 2024 dated 16.05.2024 and quash the same.

For Petitioner :Mr.R.Anandha Raj

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

For R2 : No representation



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ORDER

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This petition has been filed to quash the charge sheet in C.C.No.13 of 2025 on the file of the learned Additional Mahila Court, Karur, filed for the offences punishable under Sections 354, 417, 294(b), 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 accused and the defacto complainant are Doctors; that while they were undergoing training after completing their MBBS degree, they were in a love affair; that on the promise of marriage, the first accused had sexual intercourse with the defacto complainant; that the defacto complainant became pregnant; that since the defacto complainant took medicines, she developed health complication; that on 06.02.2023, when she approached the first accused, he refused to marry her; and that when she approached the petitioners, who are the mother and uncle of the first accused respectively, they abused the defacto complainant in filthy language and stated that they would get the first accused married to another girl, who lives abroad and thus committed the aforesaid offences.



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3. The learned counsel for the petitioners would submit that the allegations against the petitioners are false and are also attended with mala fiefs; that the petitioners have been roped in only to wreak vengeance on the first accused; that the allegations, even if accepted to be true, would not constitute offences under Sections 294(b) and 506(i) of IPC or under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act; and that the allegations are only against the first accused, with whom the second respondent had a consensual relationship.

4. The learned Additional Public Prosecutor, per contra, would submit that though the allegation is primarily against the first accused, who had cheated the defacto complainant on the promise of marriage; that the petitioners had abused the second respondent in filthy language and also threatened her of dire consequences and therefore, the impugned prosecution cannot be quashed.

5. Though notice has been served on the defacto complainant and her name has been printed in the cause list, there is no representation for the second respondent. Hence, this Court directed the first respondent to inform the second



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respondent about the pendency of the case. Accordingly, the first respondent on 02.11.2025 had informed the defacto complainant's father about the pendency of the case and even thereafter, there has been no representation on behalf of the defacto complainant.

6. It is the case of the defacto complainant that she had a love affair with the first accused and that, on the promise of marriage, the first accused had sexual intercourse with her; and that when she approached the petitioners, who are the uncle and mother of the first accused, they abused her in filthy language and stated that the second petitioner's son would not marry the defacto complainant and that if she created further problems, she would be done to death.

7. The allegation does not attract the offence under Sections 294(b) of IPC, as in order to attract Section 294(b) of IPC, the accused must have either committed an obscene act or uttered obscene words. The Hon'ble Supreme Court in **N.S.Madhanagopal and Another Vs. K.Lalitha** reported in (2022) **17 SCC 818** has held as follows:



“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."

As regards the offence under Section 506(i) of IPC, it appears that there are only mere words and no real threat and, therefore, Section 506(i) of IPC is not made out. This Court in **Noble Mohandass vs. State** reported in **1988 (1) MLJ (Crl) 54** has held as follows:

“7. As far as the offence under Section 506(2) is concerned, the learned counsel for the revision petitioner contended that the threat was not a real one,



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that it was of the kind of words which are currently and frequently used by people when they are angry and that further the threat was not spoken to by P.W. 3 and P.W. 4 who by that time had already come to the scene of occurrence. It is, in fact, found from the records that the threat would have been lashed out after P.Ws. 3 and 4 came to the place and separated both the husband and wife. Therefore, the evidence of P.W. 1 should have been corroborated by the evidence of P.W. 3 and P.W. 4 who were necessary witnesses to the occurrence. Since they did not corroborate the testimony of P.W. 1 in this aspect, the offence cannot be held to be proved. 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. In fact P.W. 1 when she filed the complaint to the police officer, did not express any fear for her life nor asked for any protection. Therefore, the offence under Section 506(2) is not made out.”

8. There is no allegation to attract the offence under Section 4 of the TNPHW Act as against the petitioners. This Court is of the view that the prosecution of the petitioners is only to wreak vengeance on the first accused. The petitioners cannot be made liable for the alleged acts of the first accused. Therefore for the aforesaid reasons, this Court is inclined to quash the impugned final report insofar as the petitioners are concerned.

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



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NCC : Yes / No
Internet : Yes/ No
Indu /dk

To

- 1.The Inspector of Police,
All Women Police Station,
Karur, Karur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/dk

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