



Crl.O.P.(MD) No.18105 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18105 of 2025

S.Gnanamanickam

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Sub-Inspector of Police,
Thirukaatupalli Police Station,
Thirukattupallai, Thanjavur District.

2.Mathalai Muthu

3.Jenmarakkini

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the order passed in Criminal Revision Petition No.142 of 2024 on the file of the learned Additional District Judge, Thanjavur dated 09.04.2025 and set aside the same as devoid of merits.

For Petitioner : Mr.A.Haja Mohideen

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed seeking to set aside the impugned order dated 09.04.2024 passed by the learned Additional District Judge, Thanjavur in Criminal Revision Petition No.142 of 2024.

2. The facts leading to the filing of this petition are as follows:

(i) The petitioner had lodged a complaint against the second and third respondents before the first respondent police, stating that the second and third respondents had a dispute with one Arockiamary, and that since the petitioner had supported the said Arockiamary, the second and third respondents abused the petitioner in filthy language and threatened him with dire consequences;

(ii) Since the first respondent did not take any action on the complaint given by the petitioner, the petitioner filed Crl.M.P.No.3018 of 2014 before the learned Judicial Magistrate, Thiruvaiyaru, under Section 156(3) of the Code of Criminal Procedure, 1973, seeking a direction to register an FIR. The learned Judicial Magistrate, by order dated 09.09.2014, dismissed the said petition on the ground that the petitioner



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and the said Arockiamary on one hand, and the second and third respondents on the other hand, had a dispute with regard to the property, and that no *prima facie* case was made out in the complaint for issuance of a direction to register the FIR;

(iii) The revision petition filed by the petitioner before the learned Additional District Judge, Thanjavur, in Crl.R.C.No.142 of 2024 was also dismissed by the impugned order dated 09.04.2024, holding that the learned Judicial Magistrate was right in dismissing the Crl.M.P., as there were civil disputes between the parties and the complaint was motivated; and

(iv) Against the said impugned order dated 09.04.2024, the instant Criminal Original Petition has been filed.

3. The learned counsel for the petitioner would submit that the allegations disclose the commission of an offence; that the second and third respondents had abused the petitioner in filthy language and threatened him with dire consequences; and that, therefore, the impugned order is liable to be set aside.



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4. Heard the learned Additional Public Prosecutor for the first respondent police, who would submit that the first respondent police had not registered the FIR, as no cognizable offence was made out on the complaint given by the petitioner; that the orders passed by the learned Judicial Magistrate and the learned Additional District Judge are in accordance with law; and that no interference is called for.

5. The allegation, as could be seen from the petition filed by the petitioner before the learned Judicial Magistrate, is that the petitioner, who was looking after the affairs of one Arockiamary with whom the second and third respondents had a property dispute, was scolded by the second and third respondents in filthy language and defamed when he visited the said Arockiamary. It is not in dispute that there was a property dispute between the said Arockiamary and the second and third respondents.

6. The allegations do not attract the offence under Section 294(b) of the Indian Penal Code, 1860, as there is nothing to suggest that the second and third respondents had committed any obscene act or uttered any obscene words so as to attract the offence under Section 294(b) of the



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Indian Penal Code, 1860. It is well settled that unless the act of the accused and the words uttered by him are obscene, the offence under Section 294(b) IPC is not made out. 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.”

The above observations squarely apply to the facts of the case.



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7. The alleged threat said to have been posed by the second and third respondents does not appear to be real so as to attract the offence under Section 506(i) of the Indian Penal Code, 1860. There is nothing to suggest that the petitioner was subjected to any real threat by the second and third respondents, apart from the allegation that they had uttered certain words of threat. It is well settled that unless there is a real threat, the offence punishable under Section 506(i) of the IPC is not made out. This Court in ***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 also squarely apply to the facts of the case.

8. This Court is of the view that, since, as stated earlier, there was a civil dispute between the petitioner and the said Arockiamary on one hand, and the second and third respondents on the other hand, and since none of the offences alleged by the petitioner would not be made out,



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there is no reason to interfere with the impugned order. Therefore, this Criminal Original Petition is liable to be dismissed.

9. Accordingly, this Criminal Original Petition is dismissed.

23.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Additional District Judge,
Thanjavur.
- 2.The Judicial Magistrate,
Thiruvaiyaru.
- 3.The Sub-Inspector of Police,
Thirukaatupalli Police Station,
Thirukattupallai, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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