



Crl.O.P.(MD) No.19385 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.19385 of 2025

and

Crl.M.P.(MD) Nos.16212 & 16213 of 2025

Karuppaiah

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
(Crime No.610 of 2021)

2.Mr.Ilayaraja
Village Administrative Officer,
51 – Somanathamangalam Group District,
Kalaiyarkoil Police Station,
Sivagangai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned final report in C.C.No.335 of 2023 on the file of the learned Judicial Magistrate No.I, Sivagangai and quash the same as against the petitioner.

For Petitioner : Mr.R.Karunanidhi



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For R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in C.C.No.335 of 2023 on the file of the learned Judicial Magistrate No.I, Sivagangai, filed against the petitioner/A18 for the offences punishable under Sections 147, 353 and 506(ii) of the Indian Penal Code, 1860.

2. The gist of the allegations in the final report is that the petitioners and others attempted to install a statue of Lord Hanuman on poramboke land; and that when the authorities tried to prevent them from doing so, they allegedly abused the officials in filthy language and criminally intimidated them, and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any such offence; and that the petitioner has filed an affidavit stating that, in future, if he takes any step to construct a pedestal for re-installing the said statue of Lord Hanuman, he would seek



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prior permission from the competent Government authority; that, in any event, the allegations would not attract the offences as alleged, as no criminal force or assault was made even as per the final report, and the petitioner had not joined to commit any offence and their assembly cannot be termed as an unlawful assembly; that there was no real threat so as to attract the offence under Section 506(ii) of the Indian Penal Code, 1860; and therefore, the impugned final report is liable to be quashed.

4. The learned Government Advocate (Criminal Side) for the first respondent would reiterate the allegations made in the final report and would submit that the petitioner, along with others, abused the government officials and threatened them with dire consequences when they were performing their duty by preventing the unlawful installation of the statue of Lord Hanuman, and therefore, the impugned final report may not be quashed.

5. The offences alleged against the petitioner is punishable under Sections 147, 353 and 506(ii) of the Indian Penal Code, 1860. As regards the offence under Section 506(ii) of the Indian Penal Code, 1860, it is not clear from the final report as to what was the exact word uttered by the



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petitioner so as to pose a real threat to the officials, which is necessary to attract the offence punishable under Section 506(ii) of the Indian Penal Code, 1860. It is well settled that unless there is a real threat, the offence punishable under Section 506(ii) of the Indian Penal Code, 1860 would not be 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.”

6. Considering the above, and taking note of the fact that none of the allegations would attract the other offences, and also considering the affidavit filed by the petitioner, this Court is inclined to quash the impugned final report as against the petitioner alone, on the condition that the petitioner shall not indulge in such activities in future and that, if any statue is intended to be installed, the same shall be done only with the prior permission of the appropriate authorities.



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WEB COPY 7. Thus, this Criminal Original Petition is allowed. Consequently,
the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.I,
Sivagangai.
- 2.The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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