



Crl.O.P.(MD) No.19389 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.19389 of 2025

and

Crl.M.P.(MD) No.16219 of 2025

1.S.Anandavalli

2.M.Devi

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.529 of 2025)

2.P.Kamatchi
Village Administrative Officer,
53, Kanjirangal Group,
Sivagangai Taluk,
Sivagangai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for records relating to the First Information Report in Crime No.529 of 2025, dated 29.09.2025 on the file of the first respondent and quash the same.

For Petitioners : Mr.S.Lingarasu



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For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.529 of 2025 on the file of the first respondent, registered against the petitioners for the offences punishable under Sections 132 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), 2023.

2. The gist of the allegations is that the petitioners had gone to the Collector's Office on 29.09.2025 and demanded that the electricity connection to be changed in the first petitioner's name, and also threatened to commit suicide, though the District Collector, on 01.09.2025, personally met the petitioners and stated that the change of name cannot be made since a case is pending before this Court; and that the petitioners thereafter had obstructed and prevented the second respondent/defacto complainant from discharging his duties, harassed him and threatened him of dire consequences, and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the impugned FIR is an abuse of process of law; that, in any case, the



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allegations would not attract the offences alleged in the FIR, since the petitioners had not used criminal force or assaulted the second respondent/defacto complainant; that the allegations, at best, would constitute the offence punishable under Section 221 of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Section 186 of the Indian Penal Code, 1860] for obstruction of a public servant from discharging his duties; and that there was no real threat made by the petitioners and mere words threatening to commit suicide would not attract the offence under Section 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Section 506(i) of the Indian Penal Code, 1860].

4. The learned Government Advocate (Criminal Side) appearing for the first respondent takes notice for both the first and second respondents, reiterates the averments in the impugned FIR, and submits that the allegations against the petitioners are that they obstructed a public servant from performing his duties and threatened to commit suicide, and that the investigation is still pending.

5. Admittedly, the only allegation against the petitioners is that they had demanded the change of name in the electricity connection; that



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though the District Collector had earlier informed the petitioners on 01.09.2025 that the change of name cannot be effected until a related case pending before this Court is disposed of, the petitioners, on 29.09.2025, prevented the second respondent/Village Administrative Officer from discharging his duties insisting to change of name in the electricity connection. There is no allegation that the petitioners had assaulted or used criminal force against the second respondent/defacto complainant, the Village Administrative Officer. Further, the alleged acts would not constitute criminal intimidation, as it is well settled that mere words would not attract the offence under Section 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Section 506(i) of the Indian Penal Code, 1860] unless there is a real threat. 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.”



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

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6. This Court is, therefore, inclined to quash the FIR, as the allegations against the petitioners would, at best, disclose the offence under Section 221 of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Section 186 of the Indian Penal Code, 1860], for which only a private complaint by a public servant is maintainable. Therefore, the impugned FIR is quashed.

7. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

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



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SUNDER MOHAN, J.

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