



Crl.O.P.No.9013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9013 of 2023
and Crl.M.P.Nos.5806 & 5811 of 2023

1. P.Ganeshan
S/o. Palanisamy
No.173, Kavananthottam,
Vellaravalli, Kunnathur,
Tiruppur District – 638 103.

2. Kaliyappan,
S/o. Chinnasamy,
No.3/116, Elanthankadu,
Vellaravalli, Kunnathur,
Tiruppur District -638 103.

..Petitioner(s)

Vs

1. The State Rep. By
The Inspector Of Police,
Kunnathur Police Station,
Tiruppur District.
(Crime No.194/2022)

2. Kanagarathinam
S/o.Arunachalam,
No.3/150, Goundan Thottam,
Velliraveli, Kunnathur,
Tiruppur District – 638 103.

..Respondent(s)



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PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to proceedings in C.C.No.13 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District and quashing the same.

For Petitioner(s): Mr.S.Vinoth Kumar

For Respondent(s): Mr.A. Gopinath
Government Advocate (Crl. Side) for R1

No appearance for R2

ORDER

This petition has been filed to quash the proceedings in C.C.No.13 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District, thereby taken cognizance for the offences punishable under Sections 341, 294(b) & 506(i) of IPC as against the petitioners.

2. The case of the prosecutions is that the petitioners encroached the common path way and constructed the compound wall by obstructing the public pathway. It was questioned by the second respondent and others for which, the petitioners abused the second respondent and also threatened him with dire consequences. On the compliant, the first respondent registered the

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FIR in Crime No.194 of 2022. After completion of investigation, they filed final report and the same has been taken cognizance by the trial Court in C.C.No.13 of 2023 for the offences punishable under Sections 341, 294(b) & 506(i) of IPC. To quash the said proceedings, the petitioners filed the present petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served on the second respondent, no one is present before this Court on behalf of the second respondent either by person or through counsel.

4. On perusal of the records, it is revealed that the property comprised in S.F.No.90/2 and old S.F.No.90/3 and 90/5, New S.F.No.90/3A, 90/5A to the total extent of 20 cents situated at Vellaravalli Village, Uthukkuli Taluk, Tiruppur District, was purchased by the first petitioner's father vide the document No.963/1973. He was also issued patta in Patta No.255. The revenue records were also mutated in favour the first petitioner's father. Thereafter, he executed a Will in favour of the first petitioner. The said property was compounded with compound wall and it was in dilapidated condition. Therefore, it was demolished and put up new compound wall. While putting up

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the new compound wall, the second respondent and others obstructed the same and created law and order problem. It was questioned by the petitioners and therefore, the second respondent foisted false complaint as against the petitioners.

5. Admittedly, there was an existing compound wall and the same was demolished by the first petitioner to put up new compound wall. While he was intended to construct new compound wall, there was an obstruction by the second respondent. Hence, accordingly to the petitioners, the first petitioner's father owned property by the registered sale deed and thereafter the same was bequeathed in his favour. Therefore, no offence is made out under Section 341 of IPC. It is relevant to extract the provisions under Section 341 of IPC.

“341. Punishment for wrongful restraint — Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both. Punishment—Simple imprisonment for 1 month, or fine of 500 rupees, or both—Cognizable—Bailable—Triable by any Magistrate—Compoundable by the person restrained or confined.”

The subject property owned by the first petitioner and the second respondent has no right to enter into the land. He can obstruct the first petitioner to



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construct the compound wall. The second respondent ought to have approached civil Court for appropriate relief. Therefore, no offence is made out as against the petitioners.

6. To attract the offence under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

"294. Obscene acts and songs —Whoever, to the annoyance of others— (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

Admittedly, there is absolutely no words uttered by the petitioners that would constitute an offence under Section 294(b) of IPC. Further the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioners, the witnesses felt annoyed. No one has spoken about the obscene words and they felt annoyed after hearing it and in the absence of legal evidence to show that the words uttered by the petitioners annoyed others, it can not be said that the ingredients of the offence under Section 294(b) of IPC is made out.



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7. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioners.

8. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the said offence, threat and intention to cause an alarm are main ingredients. The third ingredient is that the intention must be to cause any person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioners were only empty threats and they had no effect on the complainant.



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9. In this regard, It is relevant to rely upon the judgment of this

Court made in **Crl.O.P.(MD)No.11030 of 2014** in the case of **Abdul Agis Vs.**

State through the Inspector of Police, which reads as follows:-

“7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings.”

Therefore, no offence is made out as against the petitioners and as such the entire proceeding is nothing but clear abuse of process of law. Hence, the



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impugned proceedings cannot be sustained as against the petitioners and it is liable to be quashed.

10. Accordingly, the impugned proceedings in C.C.No.13 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District, is hereby quashed as against the petitioners and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The District Munsif cum Judicial Magistrate,
Uthukuli, Tiruppur District.
2. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rts

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