



Crl.O.P.No.9602 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM:

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

Crl.O.P.No.9602 of 2022 and
Crl.MP.Nos.5633 & 5634 of 2022

Shivendra Saxena

... Petitioner

Vs.

1.State represented by
Sub Inspector of Police,
W-26 All women Police Station,
Ashok Nagar, Chennai-83
2.Rani Saxena

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records of the case in CC.No.646 of 2022 pending on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.P.Sidharthan

For Respondents

For R1 : Mr.L.Baskaran,
Government Advocate(crl.side)

For R2 : No appearance

ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.646 of 2022 pending on the file of the
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XVII Metropolitan Magistrate, Saidapet, Chennai

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2. The case of the prosecution is that the defacto complainant was married by the petitioner on 12.12.2009 at Delhi as per Hindu rites and customs. Out of the wedlock, one daughter named Suhaani was born on 26.07.2010. Further, the complainant's in-laws i.e. the father and the mother of the petitioner demanded dowry and threatened the complainant. This caused mental agony to the complainant. The petitioner had abused the complainant and her family. The relatives of the petitioner did not support her for solving the problems between them. Hence, the second respondent filed a complaint. On receipt of the complaint, the first respondent registered FIR in crime No.11 of 2020 for the offences punishable under Sections 498(a), 294(b), 406, 420 & 506(ii) of IPC. After completion of investigation, final report was filed for the offence under Sections 498(a), 420 & 506(ii) of IPC.

3. The learned counsel for the petitioner submits that for the very same set of allegations, the second respondent already filed domestic violence complaint in DVC.No.42 of 2021 and the same was also dismissed by the learned XVII Metropolitan Magistrate on 27.12.2023. In fact, the said complaint was dismissed for default. Further, the petitioner

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also filed petition for divorce on the ground of cruelty and the same was decreed on 03.04.2023 by the Family Court, Gaziabad, Delhi in HMOP.No.1620 of 2022.

4. Heard the learned counsel for the petitioner and the learned Government Advocate(cr.side) appearing for the first respondent and perused all the materials placed before this Court. Though notice was sent to the second respondent, no one on behalf of the second respondent appeared before this Court today, either by party or through pleader.

5. On perusal of records, it is revealed that the petitioner is the sold accused and all the allegations are bald and vague. There are no specific allegations to attract the offences as alleged by the prosecution. That apart, there is no allegation to make out a case for cruelty to attract the offence under Section 498A of IPC. It is to be noted that the petitioner is paying monthly rent for the house in which the second respondent is residing and he is also paying monthly maintenance to the second respondent.

6. Insofar as the offence under Section 420 of IPC, it is well settled that in order to bring the charge for the offence under Section 420



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of IPC:

(i) *the accused must fraudulently or dishonestly made some false compromise.*

(ii) *the defacto complainant must act on the strength of such false representation or compromise.*

7. In the case on hand, the petitioner neither made any dishonest nor any fraudulent representation to the second respondent. Therefore, the offence under Section 420 of IPC is not at all made out as against the petitioner. Insofar as the offence under Section 506 Part II of I.P.C is concerned, it is relevant to extract the provision of Section 506 Part II of IPC hereunder:

“506. Punishment for criminal intimidation - Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc - and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or



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with both.”

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8. It is relevant to rely upon the judgment of the Hon’ble Supreme Court of India in the case of ***Naresh Aneja @ Naresh Kumar Aneja v. State Of Uttar Pradesh &Anr[2025 INSC 19]***, wherein it was held as follows:

“13. Let us now examine the next charge for which the appellant stands accused. For an offence u/s 503 to be established, it must be shown that:- (1) Threatening a person with any injury; (i) to his person, reputation or property; or (ii) to the person, or reputation of anyone in whom that person is interested. (2) Such threat must be intentional; (i) to cause alarm to that person; or (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat. Punishment for this offence is prescribed u/s 506 IPC, which is two years or with a fine or both, as applicable to this case.

13.1 Manik Taneja v. State of Karnataka [(2015) 7 SCC 423] as affirmed by a bench of three judges in Parminder Kaur v. State of Punjab [(2020) 8 SCC 811] , records the principle of application of Section 506, IPC in the following terms: –



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“11....A reading of the definition of “criminal intimidation” would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

13. ...It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of “criminal intimidation”. The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant....”

9. Further, this Court has also held in a plethora of judgments that empty threat does not prima facie mean that the case U/s.506, IPC is made out against the accused. Hence, in face no case is made out against the petitioner. Also in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the second respondent and did not cause

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any fear amongst the second respondent and her family.

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10. Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner. Accordingly, the entire impugned proceedings is quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai
- 2.1.State represented by
Sub Inspector of Police,
W-26 All women Police Station,
Ashok Nagar, Chennai-83
- 3.The Public Prosecutor,
High Court of Madras

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