



Crl.O.P.No.8051 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM:

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

Crl.O.P.No.8051 of 2023
and Crl.M.P.Nos.5114 & 5115 of 2023

Aarunraj
S/o.Rajasekaran,
Door No.42, Ambedkar Street,
Tharapuram,
Thirupur District.

..Petitioner(s)

Vs

S.Samikan
S/o.Sundaram,
Door No.177, 6th Street,
Jaynagar (East),
Rakkipalayam,
Kangaiyam Road,
Thirupur.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.415 of 2020 pending on the file of the learned Judicial Magistrate No.IV, Thirupur and quash the same as against this petitioner.

For Petitioner(s): Mr.R.Vivekananthan

For Respondent(s): Mr.V.Chinnasamy



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ORDER

This petition has been filed to quash the proceedings in C.C.No.415 of 2020, on the file of the learned Judicial Magistrate No.IV, Thirupur, thereby taken cognizance for the offences punishable under Sections 451 and 506(ii) of IPC., as against the petitioner.

2. The case of the prosecution is that the defacto complainant's son viz., Pradeep Kumar got married one Sandhiya and due to their difference of opinion, they were separated. The defacto complainant's son also filed a divorce petitioner in I.D.O.P.No.13 of 2015 and the same was dismissed by the Court below. Aggrieved by the same, he preferred an appeal in C.M.P.No.2450 of 2016 before this Court and it is pending. While being so, it is alleged that the petitioner, who was working as constable in Mulanur Police Station, had entered into the defacto complainant's house and intimidated his son to live along with Sandhiya and threatened him with dire consequences. Hence the defacto complainant lodged complaint and he was issued with CSR.No.188 of 2019. Thereafter, no action was taken as against the accused persons. Therefore, the defacto complainant filed a petitioner under Section 156(3) of CrI.P.C., before the learned Judicial Magistrate No.IV, Thiruppur and the trial

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Court had taken cognizance for the offences punishable under Sections 451, and 506(ii) of IPC in C.C.No.415 of 2020 and issued summons to the petitioner. To quash the said proceedings, the petitioner filed the present petition.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the records, it is revealed that in the statement and also in the complaint lodged by the respondent, there is no specific allegations to attract the offences under Sections 451 & 506(ii) of IPC. Insofar as the offence under Section 451 of IPC, the essential ingredients of the offence of the house trespass is the dominant intention of the accused. If the intention of the accused was to make the entry peacefully, then the offence of criminal trespass would not be attracted. However, subsequent to his entry, if any offence is actually committed by the accused though it was not part of the intent, the person committing such act would be held liable under Section 451 of IPC. In the case on hand, there is no material to establish that the petitioner had wrongfully entered the premises and committed any offences, except mere allegations that the petitioner came and abused the defacto complainant's son.

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In such situation, prosecuting the petitioner for the offence under Section 451 of IPC is nothing but a sheer abuse process of law.

5. As far as the offence under Section 506(ii) of IPC, to implicate the accused for the offence under Section 506 of IPC, the prosecution has to establish that the accused must have threatened some person and such threat consisted of some injury to the person, reputation or property or to the person, reputation or property of someone in whom he was interested. The threat should be a real one and not just a mere words when the person uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Whereas, in the case on hand, there is no averment to attract the offence under Section 506(ii) of I.P.C. A plain reading of the allegations in the complaint does not satisfy all the ingredients of the offence under Section 506 of IPC. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. Mere allegation that the accused came and abused the complainant's son does not satisfy the ingredient as contemplated under Section 506 of IPC.



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6. 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, the entire proceedings cannot be sustained as against the petitioner and is liable to be quashed.

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7. Accordingly, the proceedings in C.C.No.415 of 2020, on the file of the learned Judicial Magistrate No.IV, Thirupur, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

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

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To
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1. The Judicial Magistrate No.IV,
Thirupur.



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G.K.ILANTHIRAIYAN. J,

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