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CRL OP No. 17284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 17284 of 2023

and

CRL MP No. 11202 of 2023

S.Sugumar @ Sugumaran
S/o Shanmugam,
No.72, Muthia Mudaliar Street,
Muthialpet,
Puducheery 605003

..Petitioner

Vs

1. Inspector Of Police
Muthialpet Police Station,
Puducherry 605003
2. Sundaravadivelu
11 Poonambala Mudaliyar Street,
Muthialpet,
Puducherry 605003

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to Call for the records and quash the FIR registered in Crime No.34 of 2023 against the petitioner pending on the file of the respondent police.



CRL OP No. 17284 of 2023

For Petitioner:

Ms.Gopika Nambiyar
for Mr.V.K.Mukund
Poosha Datta V.C.

For Respondents:

Mr.M.V.Ramachandramoorthy
Additional Public Prosecutor (Puducherry) For R1
No Appearance for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.34 of 2023 on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent. Though notice has been served on the second respondent, none appeared on behalf of the second respondent either in person or through pleader. Perused the materials available on record.

3. The case of the prosecution is that the second respondent is a member of Sri Sundara Vinayagar Subramaniya Sithi Vinayagar Devasthanam. While being so, on 05.03.2023, he was chatting with his friends inside the temple. It is alleged that the petitioner and other members had passed a resolution in the temple committee meeting to quarantine the second respondent and another person from participating in collection of donations from the



general public and also to avoid participating in their family functions which he came to know from one M.Venkatachalam, who is an executive committee member of the said temple Devasthanam. It is further alleged that, during the flag hoisting festival, no amount was collected from the second respondent and he was isolated, thereby causing defamation. Subsequently, on 04.04.2023 at about 9.30 hours, when the second respondent and others questioned the petitioner as to why no donations were collected from them, the petitioner is alleged to have abused them in filthy language and threatened them with dire consequences.

4. The learned counsel appearing for the petitioner submitted that the second respondent is not a member of the Devasthanam and is only a devotee of the temple, which is a denominational temple for a particular community. The petitioner, being the president of the temple, on 05.03.2023, found that the second respondent, along with six others, had gathered within the temple premises and refused to vacate the temple even after closing time of the temple . When the temple authorities requested them to vacate the temple, they willfully refused to do so and insisted that the temple administration keep the main doors open. In such circumstances, the petitioner was constrained to call the police to



ensure closure of the temple. He further submitted that, thereafter, the second respondent foisted a false complaint on 25.03.2023 before the first respondent.

On receipt of the same, an enquiry was conducted, in which the first respondent insisted that the petitioner give a reply right away and also announce the date for conducting a general body meeting, failing which an FIR would be registered against him. Subsequently, the second respondent lodged another complaint on 05.04.2023 with the above said allegations of abuse and criminal intimidation. Therefore, it is nothing but a clear abuse of process of law and no offence is made out as against the petitioner.

5. A perusal of the records and the submissions made on either side reveals that the petitioner is the president of Sri Sundara Vinayagar Subramaniya Sithi Vinayagar Devasthanam. There was a dispute between the petitioner and the second respondent in respect of their respective roles therein and administration of the temple. In fact, the petitioner initially lodged a complaint against the second respondent with the allegations that the second respondent, along with others, had assembled within the temple and refused to vacate the same even after the closing time of the temple. After the assistance of the police, the temple was closed on 05.03.2023. Subsequently, based on the



complaint lodged by the second respondent, an enquiry was conducted by the Station House Officer, viz., the first respondent, during which the petitioner was allegedly directed to furnish an explanation and convene a general body meeting forthwith, failing which an FIR would be registered as against him. Thereafter, on 05.04.2023, the second respondent lodged a complaint, pursuant to which the present FIR came to be registered for the offence punishable under Sections 294(b), 506(i), 504 and 34 of IPC.

6. A perusal of the entire complaint reveals that the essential ingredients to attract the offences under Section 294(b) and 506(i) of IPC are not made out. In order 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."



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



8. Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the 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 petitioner were only empty threats and they had no effect on the complainant.

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



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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.”

10. In this regard, it is relevant to extract the judgement reported in **(1992) SCC CrI. 426** in the case of ***Bajanlal v. State of Haryana***, wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under [Section 482](#) Cr.P.C.:

"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the



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accused and with a view to spite him due to private and personal grudge."

11. Therefore, the impugned complaint is nothing but a clear abuse of process of law and it is lodged only to wreak vengeance against the petitioner and therefore, it cannot be sustained and liable to be quashed. Accordingly, the impugned FIR registered in Crime No.34 of 2023 on the file of the first respondent, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

LPP

To

1. The Inspector of Police
Muthialpet Police Station,
Puducherry 605003

2. The Public Prosecutor (Puducherry),
High Court, Madras.



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