



Crl.O.P.No.22756 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22756 of 2022

and

Crl.M.P.No.14587 of 2022

1.Bharathi Raja
2.Vijayashankar
3.Mathavaraj

.... Petitioners

Vs

1.State by Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.
(Crime No.295 of 2019)

2.Gowdhami

.... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records C.C.No.490 of 2022 on the file of the learned Additional Mahila Court, Judicial Magistrate Level, Krishnagiri and quash the same.

For Petitioner : Mr.Mohamed Riyaz

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

For R2 : Mr.P.M.Jayachandran



CrI.O.P.No.22756 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.490 of 2022 on the file of the learned Additional Mahila Court, Judicial Magistrate Level, Krishnagiri.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. There are totally three accused in this case. The petitioners are arrayed as A1 to A3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR for the offences punishable under Sections 294(b), 506 (ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. After completion of the investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.490 of 2022 and framed charges against the accused for the offences punishable under Sections 294(b), 506 (ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, alleging that the petitioners belong to the said locality of Krishnagiri. In the course of time, the



brother of the second respondent's husband viz., Raja Ganapathy, was running a medical shop in the name and style of M/s.Sri Ganapathi Medicals and through third parties, the first petitioner/A1 came to know that the said medical shop was proposed to be sold, and therefore expressed his interest in purchasing the same from Raja Ganapathy. The first petitioner/A1 agreed to purchase the said medical shop for a total consideration of Rs.8,00,000/- from the said Raja Ganapathy and paid the said amount to him. However, after receipt of the amount, the possession of the medical shop was not handed over to the first petitioner. Despite repeated requests made by the first petitioner, the possession of the shop was not delivered to him.

5. Subsequently, when the petitioners demanded the return of the amount paid, a cheque for a sum of Rs.6,00,000/- dated 18.03.2019 was issued in favour of Anbarasan, who is a friend of the petitioners. When the said cheque was presented for collection, the same was returned with an endorsement "Funds Insufficient". After causing statutory notice, the said Anbarasan filed a private complaint under Section 138 of the Negotiable Instruments Act and the same has been taken cognizance by the Trial Court in STC No.2019. After filing of the complaint by the said Anbarasan, the defacto complainant with the help of the then Deputy Superintendent of Police, Krishnagir, lodged a



CrI.O.P.No.22756 of 2022

complaint before the first respondent police. Based on the said complaint, the first respondent registered an FIR in Crime No.295 of 2019. It is further alleged that the defacto complainant thereafter threatened the petitioners and the said Anbarasan to withdraw the complaint . Subsequently, another FIR was registered in Crime No.379 of 2019 for the very same cause of action for the offence under Section 420 of IPC and yet another FIR was registered in Crime No.381 of 2019 for the offences under Sections 387, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

6. In view of the aforesaid allegations, the question that arises for consideration is whether any prima facie case has been made out as against the petitioners so as to attract the offences under Sections 294(b), 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. From the materials available on record, it is clear that the first petitioner had agreed to purchase the medical shop from the second respondent for a total sale consideration of Rs.8,00,000/-. The second respondent also agreed to the said amount and on receipt of the same from the first petitioner, the medical shop was not handed over to him, even after repeated request. Thereafter, the first petitioner insisted on the return of the money which was paid by him, the second respondent issued a cheque for a sum of Rs.6,00,000/- in favour of the



CrI.O.P.No.22756 of 2022

friend of the petitioners, viz., Anbarasan. However, the said cheque was dishonoured with the endorsement “Funds Insufficient”. Consequently, the proceedings under Section 138 of the Negotiable Instrument Act were initiated as against the second respondent on the file of the Judicial Magistrate No.I, Krishnagiri and the same is pending for adjudication. After receipt of summons in the proceedings, the second respondent has lodged the present complaint with the aforesaid allegations. Therefore, the complaint is nothing but only to wreck vengeance and also to escape from the clutches of law. Hence, the continuation of the proceedings would amounts to a clear abuse of process of law and it cannot be sustained further.

7. In this regard, it is relevant to rely upon the Judgment of this Court reported in ***CDJ 2022 MHC 1740*** in the case of ***N.Mohamed Farook & Others Vs. State through the Inspector of Police, Koodal Pudur Police Station, Madurai and another***, wherein, this Court held as follows :

“12.Insofar as the offence under Section 294(b) is concerned, the words used must involve some lascivious elements arousing sexual thoughts or feelings or the words must have the effect of depraving persons and defiling morals by sex appeal or lustful desires. It is relevant to rely upon the judgment of this Court 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."

On a perusal of the entire F.I.R, there are no such allegations to attract the offence under Section 294(b) of I.P.C.

.....

14.In order to attract the offence under Section 506(i) of I.P.C is concerned, the intention of the accused must be to cause alarm to victim. Mere expression of words without any intention to cause alarm would not suffice. Mere vague and bald allegations that the accused threatened the victim with dire consequences is not sufficient to attract the provisions under Section 506 of I.P.C. The threat should be a real one and not just a mere word when the person uttering does not exactly mean that what he says and also when the person against whom the threat is launched, does not feel threatened actually. Further, it should appear that the complainant was feeling fear of his life.

15.In this regard, It is relevant to rely upon the judgment of this Court in Crl.O.P.(MD)No.11030 of 2014 (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



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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.”

On a reading of the F.I.R, there is no essential ingredients to attract the offence under Section 506(i) of I.P.C.

16.Insofar as the offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act is concerned, the occurrence had allegedly taken place in the house of the first petitioner. To attract the said offence, the offence must have been taken place within the precincts of any Educational Institution, Temple or other place of worship, bus stop, road, railway station, cinema thereto, park, beach, place of festival, public service vehicle or vessel or any other place. Therefore, the



allegation made in the F.I.R would not attract the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.”

8. In this regard, it is relevant to extract the provision under Section 102 of Cr.P.C, which reads as follows :

“102. Power of police officer to seize certain property.

(1) Any police officer, may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

(3) Every police officer acting under sub-section(1) forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same.”

9. In view of the above, the entire proceedings cannot be sustained as against the petitioners and the same is liable to be quashed. Accordingly, the



CrI.O.P.No.22756 of 2022

proceedings in C.C.No.490 of 2022 on the file of the learned Additional Mahila Court, Judicial Magistrate Level, Krishnagiri, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

02.03.2026

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

To

The Additional Mahila Court,
Judicial Magistrate Level,
Krishnagiri.



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Crl.O.P.No.22756 of 2022

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Lpp

Crl.O.P.No.22756 of 2022

02.03.2026