



Crl.O.P.No.31071 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2026

CORAM:

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

Crl.O.P.No 31071 of 2022
and Crl.M.P.Nos.18997 & 18998 of 2022

Pritthu @ Preeth
S/o.Kumar,
No.95, Ambedkar Street,
Koduveli Village,
Thiruvallur District.

..Petitioner(s)

Vs

1. The State rep by
The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
(Crime No.2090 of 2020)

2. Shiyamala
No.74, Ambedkar Street,
Koduveli Village,
Thiruvallur District.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the case in C.C.No.326 of 2022 on the file of the Judicial Magistrate No.1, Thiruvallur and quash the same insofar as the petitioner/Accused (A2) is concern.



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For Petitioner(s):

Mr.V.Manimaran
For Mr.R.Sasikumar

For Respondent(s):

Mr.A.Gopinath
Government Advocate (Crl. Side) for R1

Mr.K.Thenrajan for R2

ORDER

This petition has been filed to quash the proceedings in C.C.No.326 of 2022 on the file of the learned Judicial Magistrate No.1, Thiruvallur, thereby taken cognizance for the offence punishable under Sections 147, 294(b), 323, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, as against the petitioner.

2. The case of the prosecution is that on 24.09.2020 at about 7 p.m., when the second respondent was in her house, the petitioner, his brother and other accused persons abused the second respondent by asking about her husband. When it was questioned by the second respondent, the accused persons attempted to assault her by hands. Further alleged that on the next day on 25.09.2020 about about 10 am., when the second respondent and her husband were waiting near the police station, the petitioner and others abused her and also assaulted her husband. On the complaint, the first respondent



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registered the FIR in Crime No.2090 of 2020 and after completion of investigation, they filed final report and the same has been taken cognizance by the Trial Court in C.C.No.326 of 2022. 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 for the very same occurrence, the petitioner lodged complaint and the same was registered in Crime No.2089 of 2020 for the offences under Sections 341, 147, 148 & 506(Part II) of IPC., as against the second respondent and others. After completion of investigation, the first respondent filed final report and the same has been taken cognizance in C.C.No.327 of 2022 and it is also pending for trial on the very same Trial Court. The entire complaint itself is false and all the allegations are trivial in nature. Even according to the case of the prosecution both the parties were abused and assaulted each other.

5. 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

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regard it is relevant to extract the Section 294(b) of IPC, as follows :-

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"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 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 petitioners, 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 petitioners annoyed others, it can not be said that the ingredients of the offence under Section 294(b) of IPC is made out.

6. 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



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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.

7. 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.

8. 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,



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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.”

9. The essential ingredient to attract the offence under Section 323 of I.P.C is that any act with the intention of thereby causing hurt to any person or with the knowledge that he is likely thereby to cause hurt to any person. Therefore, there is no averment to attract the offence under Section 323 of I.P.C. Hence, the impugned proceedings cannot be sustained as against the petitioners and it is nothing but clear abuse of process of law.



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10. Considering the above facts and circumstances, in order to meet the ends of justice, this Court is inclined to quash both the cases in C.C.Nos. 326 & 327 of 2022 as against the petitioner as well the second respondent herein. Accordingly, both the proceedings in C.C.Nos.326 & 327 of 2022 on the file of the learned Judicial Magistrate No.1, Thiruvallur, are hereby quashed.

11. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

02.04.2026

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

To

1. The Judicial Magistrate No.1,
Thiruvallur.
2. The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
3. The Public Prosecutor,
Madras High Court,
Madras.

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G.K.ILANTHIRAIYAN. J,

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