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CrI.O.P.No.17090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM:

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

CrI.O.P.No.17090 of 2023

and

CrI.MP.Nos.10974 & 10976 of 2023

Gopalakrishnan

... Petitioner

Vs.

1.State represented by,
The Inspector of Police,
Poolampatti Police Station,
Salem District
(crime No.110 of 2022)
2.Arumugam

... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to CC.No.155 of 2022 on the file
of the District Munsif cum Judicial Magistrate, Edappadi and quash the
same against the petitioner.

For Petitioner : Mr.M.Rajkumar

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : No appearance



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ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.155 of 2022 on the file of the District Munsif cum Judicial Magistrate, Edappadi as far as the petitioner is concerned

2. On a complaint lodged by the second respondent, the first respondent registered FIR in crime No.110 of 2022 for the offence punishable under Sections 294(b), 324 and 506(ii) of IPC on the allegation that on 10.06.2022 at about 3.45 p.m., the accused scolded the second respondent. It was questioned by the second respondent. Thereafter, the petitioner slapped the daughter of the second respondent. Therefore, she sustained simple injuries. After completion of investigation, the first respondent filed final report and the same was taken cognizance by the trial court.

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

4. On perusal of records, it is revealed that all the allegations



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are trivial in nature and the said occurrence took place in the house of the second respondent. That apart, the occurrence took place on 10.06.2022 and the complaint was lodged only on 14.06.2022. There is absolutely no explanation for the four days delay in lodgement of complaint.

5. To attract the offence under Section 294(b) of IPC, there must be an uttering of words in or near any public place to affect the person. In this regard it is relevant to extract Section 294(b) of IPC, as follows:-

"294. Obscene acts and songs —Whoever, to the annoyance of others—

(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."

6. Admittedly, there is absolutely no words uttered by the accused in a public place as such to constitute the offence under Section 294(b) of IPC, there are no averments and allegations. It is relevant to rely upon the judgment reported in **"Pawan Kumar v. State of Haryana), (1996) 4 SCC 17"** wherein the Hon'ble Supreme Court had held thus:—

"9. In order to secure a conviction, the provision



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requires two particulars to be proved by the prosecution, i.e.

*(i) the offender has done any obscene act in any public place or has sung, recited or uttered any obscene songs or words **in or near any public place**; and (ii) has so caused **annoyance to others**. If the act complained of is not obscene, or is not done in any public place, or the song recited or uttered is not obscene, or is not sung, recited or uttered in or near any public place, or that it causes no annoyance to others, the offence is not committed.”*

7. Therefore, 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 also 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 accused.

8. 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



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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 with both.”

9. It is relevant to rely 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



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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: –

“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....”



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10. 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 accused. Also in the case on hand, even according to the case of the prosecution, the alleged threats issued by the accused were only empty threats and they had no effect on the second respondent and did not cause any fear amongst the second respondent and his family.

11. Further, in order to attract the offence under Section 324 of IPC, there is absolutely no ingredient and no injury was sustained by the second respondent. Further, the petitioner and the second respondent are brothers. Therefore, in order to meet the ends of justice, this Court is inclined to quash the impugned proceedings.

12. Accordingly, this criminal original petition is allowed and the entire impugned proceedings is quashed. 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.District Munsif cum Judicial Magistrate, Edappadi
- 2.State represented by,
The Inspector of Police,
Poolampatti Police Station,
Salem District
- 3.The Public Prosecutor,
High Court of Madras

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