BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.8369 of 2024
and
Crl.M.P.(MD)No.5697 of 2024

Vairamani ... Petitioner / Accused No.2

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
District Crime Branch,
Virudhungar.
Crime No.35/2022

...1st Respondent / Complainant

2. Lakshmi Narayanan

...2nd Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in C.C.No. 569 of 2023 on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as against the petitioners.

For Petitioner	:	Mr.N.Mariappan
For R-1	:	Mr.M.Sakthi Kumar Government Advocate (Crl.Side)
For R-2	:	Mr.M.Musthafa Khan

ORDER

Preface:

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.569 of 2023 on the file of the learned Judicial Magistrate No.II, Virudhunagar, insofar as the petitioner, who has been arrayed as Accused No.2, is concerned.

2. The criminal prosecution arises out of a commercial transaction between the son of the petitioner and the second respondent / defacto complainant. The core issue that falls for consideration is whether the materials collected during investigation disclose the necessary ingredients of the offences alleged against the petitioner or whether he has been unnecessarily roped in solely on account of his relationship with the principal accused.

3. Since the petitioner seeks quashment of the criminal proceedings at the threshold, this Court is required to examine whether the uncontroverted allegations, as found in the First Information Report and the final report, *prima facie* make out the

offences alleged against him. If the basic ingredients of the offences are absent, permitting the prosecution to continue would amount to abuse of process of Court.

Case of the prosecution:

4. The prosecution case, as projected in the complaint and final report, is that the *defacto* complainant was carrying on business in the name and style of "Sri M. Punniyammal Traders" and that the first accused, who is the son of the petitioner, was carrying on business in the name and style of "SR Aswin Traders".

5. According to the prosecution, during the year 2020, the first accused had purchased dhal and other goods from the *defacto* complainant on credit basis in the course of regular business transactions. Though substantial supplies had been made, the amount due was not fully settled. It is alleged that a total sum of Rs. 74,09,020/- was involved in the course of such transactions, out of which Rs.44,12,000/- had been paid, leaving a balance of Rs. 29,97,020/-.

6. It is the further case of the prosecution that at the time when the first accused had defaulted in payment, the petitioner, who is the father of the first accused, had assured the *defacto* complainant that the outstanding amount would be paid within a short period. The prosecution would also allege that when the *defacto* complainant approached the accused for repayment, he was abused in filthy language and criminally intimidated.

7. On the basis of the complaint lodged by the second respondent, the first respondent police registered a case in Crime No. 35 of 2022 for the offences under Sections 406, 420, 294(b) and 506(i) IPC. After completion of investigation, a final report came to be filed in C.C.No.569 of 2023 before the learned Judicial Magistrate No.II, Virudhunagar.

8. In the final report, the petitioner has been arrayed as Accused No.2 for the offences under Sections 120-B, 465, 468, 406, 420, 294(b) and 506(i) IPC, while allegations under Section 66A of

the Information Technology Act, 2000, have been shown as against the first accused.

Grounds for quash:

9. The learned counsel for the petitioner assailed the prosecution on several grounds. The first and foremost contention is that the entire dispute emanates from a commercial transaction between the first accused and the *defacto* complainant and that the petitioner has no independent role in the business carried on by his son.

10. It was contended that the first accused was independently running “SR Aswin Traders” with separate Income Tax assessment and GST registration and that the petitioner was never a partner, proprietor, guarantor or participant in the said business. Therefore, merely because the petitioner is the father of the first accused, he cannot be criminally implicated for the dues allegedly payable by the first accused.

11. The next contention is that the prosecution materials themselves would reveal that there were repeated business dealings between the first accused and the *defacto* complainant over a period of time beginning from the year 2020 and that part payments had also been made. Hence, the dispute, at its core, is one arising out of non-payment of money in the context of mercantile transactions and does not, by itself, disclose the ingredients of criminal offences.

12. The learned counsel further submitted that the offence under Section 294(b) IPC is wholly absent, since the alleged occurrence is stated to have taken place in the house of the petitioner and not in a public place. According to him, one of the essential ingredients of Section 294(b) IPC is that the obscene utterance must have been made in or near a public place so as to cause annoyance, and the said requirement is not at all satisfied in the present case.

13. It was also argued that the allegation of criminal intimidation under Section 506(i) IPC is vague, omnibus and bereft of

particulars. There is no material to show any real, imminent or enforceable threat. Mere use of words in the course of a private dispute, without anything more, would not attract the offence of criminal intimidation.

14. The learned counsel then attacked the charge under Section 120-B IPC by contending that there is absolutely no material to infer any prior agreement between the petitioner and the first accused to cheat or defraud the *defacto* complainant. The prosecution, according to him, has merely used the expression "common agreement" without disclosing the foundational facts necessary to constitute conspiracy.

15. On the above submissions, it was pleaded that continuation of the criminal case against the petitioner would amount to harassment and abuse of the process of Court and, therefore, the proceedings as against him deserve to be quashed.

Arguments on either side:

16. The learned counsel for the petitioner reiterated that the business dealings were exclusively between the first accused and the *defacto* complainant. He would submit that the petitioner had, at best, only attempted to pacify the situation and had expressed that the dues would be settled, but such assurance by itself cannot be elevated into criminal liability.

17. He would further submit that even assuming the allegations in the charge sheet to be true in their entirety, the same would not make out the offences under Sections 294(b), 506(i) or 120-B IPC against the petitioner. The prosecution, according to him, has sought to criminalise a money claim and to convert a commercial dispute into a criminal proceeding.

18. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioner cannot now distance himself from the transaction, since it was he

who had voluntarily intervened and given a written undertaking that the amount of Rs.29,97,020/- would be settled within a short time.

19. The learned Government Advocate would submit that despite such undertaking, the money was not repaid and when the *defacto* complainant approached the petitioner, he was abused in filthy language and threatened with dire consequences. It was further contended that the petitioner had joined hands with the first accused in order to defeat the legitimate claim of the *defacto* complainant and to wrongfully deny repayment.

20. The learned counsel for the second respondent / *defacto* complainant adopted the submissions of the learned Government Advocate and added that the overt acts attributed to the petitioner are specific in nature. According to the learned counsel, when the *defacto* complainant demanded repayment, the petitioner had abused him in obscene language and had criminally intimidated him even with threat to life. It was argued that these allegations clearly attract Sections 294(b) and 506(i) IPC.

21. The learned counsel further contended that the petitioner had acted in tandem with the first accused and had consciously joined in the design to cheat the *defacto* complainant. Therefore, it was submitted that the prosecution ought not to be scuttled at the threshold and the petitioner should be made to face trial.

Point for consideration

22. In the light of the rival submissions, the point that arises for consideration in this petition is:

> *Whether the materials available in the final report prima facie disclose the commission of offences under Sections 120-B, 294(b) and 506(i) IPC, or any other offence, against the petitioner / Accused No.2, so as to warrant continuation of the prosecution in C.C.No.569 of 2023?*

Analysis:

23. This Court has carefully considered the submissions made on either side and perused the materials available on record.

24. At the outset, it is necessary to note that the foundational transaction is purely commercial. The *defacto* complainant was carrying on business in the name and style of “Sri M. Punniyammal Traders” and the first accused was independently carrying on business in the name and style of “SR Aswin Traders”. The materials placed before this Court also indicate that the first accused had his own business establishment with independent statutory registrations.

25. The chronology of transactions, as reflected in the charge sheet, reveals that there were multiple purchases on different dates commencing from 03.11.2020 and continuing through November and December 2020 and January 2021. The existence of repeated transactions over a period of time, coupled with part payment of a substantial amount, clearly demonstrates that the parties were in an ongoing business relationship.

26. The prosecution itself states that out of the total business transaction value of Rs.74,09,020/-, a sum of Rs.44,12,000/- had

already been paid and only a balance sum of Rs.29,97,020/- remained due. This circumstance assumes significance because it indicates that the transaction was not a sham from inception, but one arising out of ordinary business dealings where payments had been made and a balance remained outstanding.

27. The materials do not show that the petitioner was the purchaser of goods. They do not show that the petitioner ran the business of the first accused. They do not show that the petitioner had induced the *defacto* complainant at the inception of the transaction to part with goods or money. On the contrary, the case of the prosecution is only that when the dues remained unpaid, the petitioner had assured the *defacto* complainant that the amount would be settled.

28. A father's assurance that his son would clear an outstanding commercial liability cannot, without more, be converted into criminal culpability. Criminal law requires specific allegations

disclosing the ingredients of the offence. Relationship by itself is not a substitute for legal involvement.

29. Insofar as the offence under Section 294(b) IPC is concerned, the essential ingredients require utterance of obscene words in or near a public place causing annoyance. In the present case, even according to the charge sheet, the occurrence is alleged to have taken place at the house of the petitioner. Thus, the element of "public place" is conspicuously absent.

30. When the very location of the alleged occurrence, as narrated by the prosecution, is a private place, the offence under Section 294(b) IPC cannot be sustained. Therefore, the charge under Section 294(b) IPC as against the petitioner is liable to be quashed.

31. Coming to Section 506(i) IPC, the allegation in the charge sheet is that the petitioner threatened the *defacto* complainant with dire consequences. However, the law is well settled that every expression of anger or every verbal altercation would not amount to

criminal intimidation. The threat alleged must be real, serious and intended to cause alarm to the person threatened.

32. In the present case, the charge sheet does not disclose any surrounding circumstances showing that the alleged words were accompanied by such imminence or seriousness as to create a genuine alarm. There is no material indicating any follow-up act, weapon, preparation or circumstance that would lend credibility to the threat. In the absence of such particulars, the allegation remains too bald and insufficient to sustain the charge under Section 506(i) IPC.

33. The charge under Section 120-B IPC is even more fragile. Criminal conspiracy postulates an agreement between two or more persons to do an illegal act or to do a legal act by illegal means. Such agreement can no doubt be inferred from circumstances, but there must at least be circumstances giving rise to such inference.

34. In the case on hand, except the assertion that the petitioner is the father of the first accused and that he had assured repayment, there is no material to show any prior meeting of minds between them to cheat the *defacto* complainant. The prosecution has not shown how or when the alleged conspiracy was hatched. No overt circumstances are pointed out to indicate that the petitioner had entered into any criminal agreement with the first accused.

35. This Court is also unable to ignore the fact that the prosecution narrative essentially concerns a debt arising out of business supply of goods. The attempt to rope in the petitioner appears to have been made because he intervened in the matter and assured settlement. Such conduct may at best amount to a moral intervention, but it cannot automatically create criminal liability.

36. Once the specific offences of Section 294(b), Section 506(i) and Section 120-B IPC are found to be unsupported by the necessary foundational facts, and when the principal business transaction itself is between the first accused and the *defacto* complainant,

permitting the prosecution to continue against the petitioner would be wholly unjustified.

37. In the considered view of this Court, the materials collected during investigation do not *prima facie* make out the offences alleged against the petitioner. The continuation of proceedings against him in C.C.No.569 of 2023 would therefore amount to abuse of the process of law.

38. For all the above reasons, this Court is of the view that the prosecution in C.C.No.569 of 2023 on the file of the learned Judicial Magistrate No.II, Virudhunagar, insofar as the petitioner / Accused No.2 is concerned, cannot be sustained.

39. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.569 of 2023 on the file of the learned Judicial Magistrate No.II, Virudhunagar, are quashed insofar as the petitioner / Accused No.2 is concerned. Consequently, the connected miscellaneous petition is closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. The Judicial Magistrate No.II,
   Virudhunagar.

2. The Inspector of Police,
   District Crime Branch,
   Virudhunagar.

3. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.8369 of 2024

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