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Chinnamani vs State Rep by

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Court : Chennai

Decided On : Mar-30-2026

Judge : Honourable Mr Justice G.K. Ilanthiraiyan

Appeal No. : CRL OP/10791/2023

Appellant : Chinnamani

Respondent : State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN Crl.O.P.No.10791 of 2023 and Crl.MP.Nos.6818 & 6820 of 2023 1.CHINNAMANI 2.MARIMUTHU 3.CHITRA 4.VAITHEESHWARI 5.SUBRAMANIYAN 6.SARATHAM ... Petitioners Vs. 1.The STATE REP BY the INSPECTOR OF POLICE, KEELAPALUR POLICE STATION, ARIYALUR. (CR.NO. 293/2022) 2.R.MARIYAPPAN .. Respondents PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in CC.No.53 of 2023 pending on the file of the

learned Judicial Magistrate No. II, Ariyalur and quash the same For Petitioners : Mr.V.S.Senthilkumar For Respondents For R1 : Mr.A.Gopinath, Government Advocate (Crl. Side) For R2 : Mr.N.Elayaraja

ORDER

This criminal original petition has been filed to quash the proceedings in CC.No.53 of 2023 pending on the file of the learned Judicial Magistrate No. II, Ariyalur.

2. The case of the prosecution is that the de-facto complainant and

the accused persons are adjacent land owners and on 20.12.2022 at about 12.00 in the noon, the accused persons destroyed the fence of the de-facto complainant thereby causing loss to the tune of Rs.50,000/- and subsequently on the very same day at about 8.30 pm, when the de-facto complainant went to the house of the accused persons to question them, the accused persons abused the de-facto complainant with filthy languages and threatened the de-facto complainant with dire consequences. Being aggrieved with the same, the de-facto complainant had preferred a complaint dated 22.12.2022 to the respondent police and the respondent police registered F.I.R in Cr. No. 293 of 2022 for the offences under section 147, 447, 427, 294 [b] & 506 [ii] I.P.C and upon investigation, the respondent police filed a final report and the Learned Judicial Magistrate No. II, Ariyalur was pleased to take cognizance in C.C No. 53 of 2023 for the offences under sectiond 147, 447, 427, 294 [b] & 506 [ii] I.P.C. Aggrieved with the same, the petitioners have preferred this criminal original petition.

3. Heard the learned Counsel appearing on either side and perused the materials placed on record.

4. On perusal of the entire records and also the statements

recorded from the witnesses, it is revealed that the allegations are trivial in nature and there is a property dispute between the petitioners and the second respondent. Further, there are no specific averments and allegations to attract Sections 294(b) and 506 Part II of IPC.

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

petitioners 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 17wherein the Honble Supreme Court had held thus:-

> 9. In order to secure a conviction, the provision 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 petitioners.

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 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 Honble 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 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.

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 petitioners. Also in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioners 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. In fact, the second respondent has filed a suit in OS.No.18 of

2001 on the file of the District Munsif Court, Ariyalur and he also obtained an interim order of injunction, which is still in force. Therefore, the entire impugned proceedings is nothing but clear abuse of process of law.

12. In view of the above discussion, the entire impugned

proceedings is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed. 30.03.2026 Index : Yes/No Neutral citation : Yes/No

Speaking/non-speaking order

lok To 1.The learned Judicial Magistrate No. II, Ariyalur 2.The STATE REP BY the INSPECTOR OF POLICE, KEELAPALUR POLICE STATION, ARIYALUR 3.The Public Prosecutor, High Court of Madras G.K.ILANTHIRAIYAN. J, lok 30.03.2026

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