

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
CHALAKUDY**

Present: Smt.Savitha V.S, Judicial First Class Magistrate

Dated this the 11th day of March, 2026

CrI.M.P.5080 OF 2025

in

CC 1437 OF 2022

Petitioner/Accused : Mohanan C.V, aged 64 years,
S/o.Velayudhan, Chooniparambil House,
Chunkal Desom, Mattathur Village.

By Adv.Sri.Shibu Damodaran

Respondent : State of Kerala represented by the
Sub Inspector of Police, Vellikulangara
Police Station

ORDER

This is an application filed by the accused seeking discharge from the offence punishable under Section 509 of the Indian Penal Code.

2. The prosecution case, in brief, is that on 23.04.2022 the complainant hired the auto-rickshaw of the accused from Palli Centre to go to her house at Alukka Padam. While proceeding to the said destination, the accused allegedly stopped the auto-rickshaw at a place called Chazhikkattu. When the complainant asked the reason for stopping the vehicle, the accused allegedly stared at the complainant with the intention of outraging her modesty. On the basis of the said allegation, the above case was registered against the accused for the offence punishable under Section 509 of the Indian Penal Code.

3. The prosecutor not filed objection to this application.

4. Heard the learned counsel for the accused and the learned Assistant Public Prosecutor.

5. Perused the records.

6. Section 509 of the Indian Penal Code contemplates that in order to constitute the offence, the accused must utter any word, make any sound or gesture, or exhibit any object intending that such word or gesture shall be heard or seen by a woman, thereby intending to insult the modesty of such woman. Thus, the essential ingredients of the offence are the use of words, sounds, gestures, or acts intended to insult the modesty of a woman.

7. In the present case, the only allegation against the accused is that he stared at the complainant when she questioned him regarding the stopping of the auto-rickshaw. There is no specific allegation that the accused uttered any words, made any gestures, or committed any overt act with the intention to insult the modesty of the complainant. The materials available on record including her first statement and statement under section 164 of Code of criminal procedure do not disclose the essential ingredients necessary to constitute the offence under Section 509 of the Indian Penal Code.

8. In such circumstances, even if the entire prosecution case is accepted as true, the allegations do not prima facie attract the ingredients of the offence alleged. Therefore, continuing the proceedings against the accused would amount to an abuse of the process of the court. Hence, this Court is satisfied that the accused is entitled to be discharged.

In the result, the petition is allowed. The accused is discharged from the offence punishable under Section 509 of the Indian Penal Code.

(Pronounced by me in open Court on this the 11th day of March, 2026)

Sd/-
Judicial First Class Magistrate,
Chalakydy.

//true copy//

**Judicial First Class Magistrate,
Chalakydy.**

