

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026  
@ SPECIAL LEAVE PETITION (CRIMINAL) NO.14741/2025

BERI MANOJ

APPELLANT

VERSUS

STATE OF ANDHRA PRADESH & ANR.

RESPONDENTS

O R D E R

1. Heard.
2. Leave granted.
3. An FIR bearing No.389/2022 came to be registered against three persons, namely, Shanthakumar, Devamma and Uday and on completion of investigation, the chargesheet came to be filed against five persons wherein the present appellant has been arraigned as an accused No.5 for the offence punishable under Sections 328, 376, 506 of the Indian Penal Code, 1860 ("IPC") read with Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012. The chargesheet material would disclose that the main charge against the appellant is for criminal intimidation under Section 506 of the IPC which was based on a statement recorded under Section 164 of the Criminal Procedure Code, 1973 ("CrPC") after eight days of the alleged incident.
4. It is the case of the prosecution that the prosecutrix in her statement recorded under Section 164 of the CrPC had alleged that the uncle of accused No.1 (the appellant herein) alongwith two

aunts of accused No.1 threatened and forced her to falsely support the main accused, i.e., accused No.1 in the sexual assault case. Hence, contending that victim had developed her statement and there was no act perpetrated by the appellant, he sought for proceedings being quashed. The learned High Court noted that the allegations against the accused need to be put to scrutiny after trial and was of the opinion that it is a triable issue and quashing of the proceedings was not warranted. Hence, this appeal.

5. Having heard the learned counsel appearing for the parties and after bestowing our careful considerations to the rival contentions raised at the Bar, we notice at the initial stage itself in the statement recorded under Section 161 of the CrPC of the prosecutrix for reasons best known has not even whispered of any threat having been posed by the appellant herein except to the extent of stating that she had gone to the appellant's house. However, after seven days, namely after much water having flown down the bridge, she gave her statement under Section 164 of the CrPC and improved her version as is evident from her statement itself which reads as under:

"Chandu tej's father, uncle and two aunts came there and threatened me stating "whatever happens I should talk in favour of Chandu tej, I should keep the blame on me, failing which I will be killed."

6. In fact, we may quote with benefit the judgments of this Court in Naresh Aneja Vs. State of U.P., (2025) 2 SCC 604 and Sharif Ahmad Vs. State of U.P. (2024) 14 SCC 122, wherein it has been held that mere threats without intention to cause alarm do not constitute criminal intimidation under Section 506 of the IPC.

In the instant case, as could be seen from the records, the prosecutrix improved her statement which came to be recorded under Section 164 of the CrPC alleging that "two aunts and an uncle threatened" her which is a clear improvement from the statement recorded under Section 161 of the CrPC. This contradiction in timing of events create a serious doubt in the prosecution's version or in other words, the appellant's name suddenly surfaced after seven days through a vague reference to "an uncle" and thereby further weakening the prosecution's case. Even otherwise, mere expression of words, without any intention to cause alarm cannot amount to criminal intimidation. Hence, we are of the considered view that the allegation in the prosecutrix statement recorded under Section 164 of the CrPC would be insufficient in law to proceed against the appellant for being prosecuted under Section 506 of the IPC.

7. That apart, we notice from the clear statement recorded under Section 164 of the CrPC that no intention of criminal intimidation was *prima facie* established since prosecution of a person for criminal intimidation requires clear intention to cause alarm, irrespective of whether the victim was alarmed or not. In the absence thereof continuation of the prosecution against the appellant by virtue of a vague reference to the expression "an uncle" cannot by itself would not disclose any offence. Vague allegations unsupported by *prima facie* cogent evidence cannot constitute offence indicated under Section 506 of the IPC. Last but not the least, the mere presence of a lawyer (appellant in the instant case) in his capacity of discharging professional duty of

either giving advice or suggestion cannot amount to intimidation and this is foundational fact being conspicuously absent in the instant case, we are perforced to disagree with the contention of learned counsel for the complainant (victim) and the learned counsel appearing for respondent No.1 the State. In other words, we are of the considered view that contentions urged, grounds pressed into service by the learned counsel appearing for the appellant deserves to be accepted. Accordingly, it is accepted.

8. Hence, the appeal is allowed. Impugned order is set aside. The proceedings initiated against the appellant vide FIR No.389/2022 qua the appellant alone stands quashed. It is made clear that proceedings shall proceed against others before the jurisdictional trial court.

9. Pending application(s), if any, shall stand disposed of.

.....J.  
(ARAVIND KUMAR)

.....J.  
(PRASANNA B. VARALE)

NEW DELHI;  
JANUARY 20, 2026.

ITEM NO.12

COURT NO.16  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SECTION II

Petition(s) for Special Leave to Appeal (Crl.) No(s).14741/2025

[Arising out of impugned final judgment and order dated 18-06-2025 in CRLP No.9823/2022 passed by the High Court of Andhra Pradesh at Amravati]

BERI MANOJ

VERSUS

Petitioner(s)

STATE OF ANDHRA PRADESH & ANR.

Respondent(s)

Date : 20-01-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Thoppani Sanjeev Rao, Adv.  
Eksha Sehgal, Adv.  
Nishesh Sharma, AOR

For Respondent(s) : Ms. Prerna Singh, Adv.  
Mr. Guntur Pramod Kumar, AOR  
Mr. Dhruv Yadav, Adv.

Mr. Animesh Upadhyay, Adv.  
Mr. S. Sathvik Reddy, Adv.  
Ms. Monika Bhardwaj, Adv.  
Mr. Kabir Singh, Adv.  
Mr. Prashant Rawat, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order placed on the file.

Impugned order is set aside. The proceedings initiated against the appellant vide FIR No.389/2022 qua the appellant alone stands quashed. It is made clear that proceedings shall proceed against others before the jurisdictional trial court.

Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)