



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 9422 of 2026

AND

CRL MP NO. 6655 OF 2026,CRL MP NO. 6656 OF 2026

Vinoth
No.1/79, Nookalamman Kovil Street,
Paivalasa Village, R.K.Pett Taluk, Thiruvallur
District,
Thiruvallur, Tamil Nadu.

..Petitioner(s)

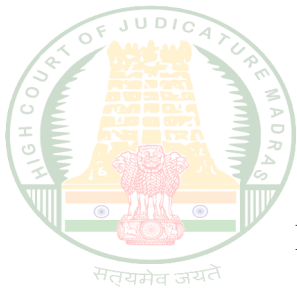
Vs

1. The Sub Inspector of Police,
R.K.Pet Police Station,
R.K.Pett, Tiruvallur District.
Crime No.54 of 2025
2. E.Punniyakotti
S/o.Ethirajm,
NO.91, Nookalamman Kovil Street,
Paivalasa Village, R.K.Pett Taluk, Thiruvallur
District,
Thiruvallur, Tamil Nadu.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.528 of B.N.S.S. 2023, praying to call for the records and quash the impugned charge sheet in CC.No.287/2025 on the file of the learned District Munsif Cum Judicial Magistrate, Pallipet, arising out of Crime No.54/2025 on the file of the R.K.Pet Police Station, Tiruvallur District.



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For Petitioner(s):

Mr. P.R.Thiruneelakandan

For Respondent(s):

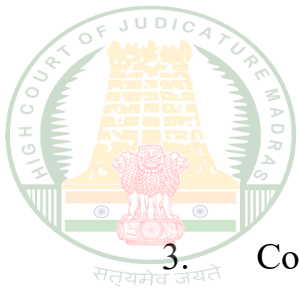
Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

R2 – No appearance

ORDER

1. The prayer in the Criminal Original Petition is to quash the final report in C.C.No. 287 of 2025 on the file of learned District Munsif cum Judicial Magistrate, Pallipet. Even though notice served on the 2nd respondent, he has not chosen to appear before this Court.

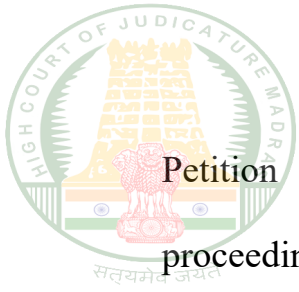
2. Upon considering the arguments of learned counsel for petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) and perusing the material records of the case, the gist of allegation against the petitioner is that the petitioner was giving money to the drama troupe, who played drama in their village. While so, the de facto complainant came to that spot and confronted him why he is separately giving money and money has to be given in common by the villagers, at that point of time, the accused said to have abused him in a filthy language and also threatened him. In view thereof, the case has been registered and after investigation, the final report is filed for the offence under Sec.296(b), 351(2) of B.N.S.



3. Considering the very statement of L.W.1 as well as the final report, it can

be seen that the words spoken by the petitioner are in a state of anger and frustration and is not lascivious and does not appear to deprive the interests of the people and does not have the tendency to deprive and corrupt the minds of the people, as such it would not constitute an offence of obscenity punishable under Section 294 (b) I.P.C. as per the dictum of the Hon'ble Supreme Court of India in *Mani @ Subramaniam versus State (CDJ 2026 SC 1170)*. Similarly, the threat which is said to be made must be with an intention to cause serious alarm in the person threatened in order to deter him from doing something lawful or compel him to do something unlawful and in the background of the case and the overall circumstances of the case, it cannot be said that the threat given by him will be an offence under Section 351(2) of B.N.S. Reference in this regard can be made to the judgment of the Hon'ble Supreme Court of India and *Naresh Aneja @ Naresh Kumar Aneja vs. State of Uttar Pradesh and another (2025 2 SCC 604)*.

4. At this juncture, they learned Counsel for Government of Tamil Nadu (Criminal Side) would submit that there is also a counter case. But, neither the 2nd respondent is present nor any application has been filed in respect thereof. As and when any application is made in respect thereof, the same shall be considered with reference to that case. In view thereof, this Criminal Original



Petition deserves to be allowed and accordingly allowed by quashing the proceedings in CC No.287 of 2025 on the file of learned District Munsif cum

Judicial Magistrate, Pallipet. Consequently, connected Criminal Miscellaneous

Petitions are closed.

30-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

1. The District Munsif cum Judicial Magistrate, Pallipet.
2. The Sub Inspector of Police, R.K.Pet Police Station, R.K.Pett, Tiruvallur District.
3. The Public Prosecutor, High Court, Madras.



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CRL OP No. 9422 of 2



D.BHARATHA CHAKRAVARTHY J.

RPP

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