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Crl.OP(MD).No.5955 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 04.08.2026

ORDER PRONOUNCED ON : 07.08.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl.O.P(MD).No.5955 of 2026
and Crl.MP(MD).No.6455 of 2026**

1.Ammasi 1st Petitioner/Accused No.2

2 Anandhan @ Anandan 2nd Petitioner/Accused No.3

Vs

1.State of Tamil Nadu Rep.by its
The Inspector of Police
AWPS Thanjavur Police Station
Thanjavur District
Crime No.16 of 2025

...1st Respondent/Complainant

2.K.Jayalakshmi 2nd Respondent/Defacto Complainant

Prayer:Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in PRC.No.19 of 2025 pending on the file of the Judicial Magistrate, Additional Mahila Court, Thanjavur as far as the petitioners are concerned and quash the same as illegal.

For Petitioners : Mr.G.Anto Prince

For Respondent : Mr.B.Arun
Government Advocate (Crl.side) for R1
:K.Jayalakshmi
party-in-person for R2



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ORDER

The present petition has been filed by the accused Nos.2 and 3 in P.R.C.No.19 of 2025 on the file of the Judicial Magistrate–Additional Mahila Court, Thanjavur, seeking to quash the charge sheet wherein they stand charged with the offence punishable under Section 296(b) of the Bharatiya Nyaya Sanhita, 2023.

2. A perusal of the charge sheet reveals that the accused No.1 is the son of the accused No.2, and that the accused No.3 is the brother-in-law of the accused No.1.

3. It is alleged in the charge sheet that A1 came to be acquainted with the defacto complainant through a matrimonial website and that, upon an assurance of marriage, he entered into a sexual relationship with her, only to resile therefrom thereafter. The allegations in the F.I.R. are directed in their entirety against the first accused. As regards the accused Nos.2 and 3, the charge sheet alleges that they abused the defacto complainant.

4. The learned counsel appearing for the petitioners would submit that there is no allegation whatsoever attributed to the petitioners herein, the entire accusation being levelled against A1 alone. He would further submit that neither the F.I.R. nor the charge sheet discloses the specific words of



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abuse said to have been uttered, and that the defacto complainant has not set out the date or time of the alleged occurrence insofar as the petitioners are concerned. It is also submitted that both the petitioners are differently abled persons.

5. Per contra, the defacto complainant, who appeared as party-in-person, submitted that she and A1 have been living as husband and wife; that A1 tied the mangalsutra in private but declined to solemnise the marriage publicly; that she was assaulted by him and threatened that his family members would do away with her; and that the petitioners herein had likewise abused her.

6. Heard both sides and perused the material records.

7. As borne out by the charge sheet, the petitioners herein (A2 and A3) stand charged with the offence under Section 296(b) of the BNS, 2023, the allegation being that they abused the defacto complainant. However, the specific words of abuse find no mention either in the F.I.R. or in the charge sheet. Nor is it made clear whether the abuse was uttered at some other place or over the telephone. Significantly, there is no averment whatsoever to the effect that the abusive words caused annoyance to the public.

8. The Hon'ble Supreme Court in a recent decision reported in **2026 SCC Online SC 1347 (Mani @ Subramaniam Vs.State Rep.by the Deputy**



Superintendent of Police) in paragraph Nos.16 & 17 is held as follows:

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“16. In the present case, during altercation, the appellant allegedly uttered that: “Hey Motherfucker! You son of a whore! Are you coming in support of your elder sister's son? Just fuck off, you ‘Kurutha’ Fucker’...”. It is this which is sought to be invoked under Section 294(b) of the IPC. Going by the version of PW-1 himself, the words and verbal slang used by the appellant were, at best, abusive or vulgar in nature. The Collins English Dictionary defines the word “abusive” as a language which ‘is extremely rude and insulting’. Whereas the word ‘vulgar’ is defined by the Cambridge Dictionary as “rude and likely to upset or anger people, especially by referring to sex and the body in an unpleasant way. These definitions clearly show that words may be insulting, offensive or unpleasant without necessarily being obscene in law.

17. For an utterance to be considered obscene, it must be shown that it was lascivious, appealed to prurient interests and had the tendency to deprave and corrupt the minds of those who are exposed to it. Tested on this anvil, even if all the allegations levelled in the complaint are taken at their face value and accepted to be true in entirety, the same cannot be held to be obscene. Such words, howsoever abusive, unpalatable or uncivil, do not satisfy the requirement of Section 294(b) IPC for there being nothing on record to show that they had any one or all three elements referred to hereinabove. Further, it is nobody's case that use of such words caused annoyance to others in a public place,



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which is a mandatory ingredient of the Section, much less to the complainant . In absence thereof, we find that the offence under Section 294(b) IPC is not made out. “

9. In the light of the above pronouncement of the Hon’ble Supreme Court, it is evident that the offence alleged under Section 296(b) of the BNS, 2023 is not made out against the petitioners herein. That being so, the continuation of the criminal proceedings as against them would be nothing short of an abuse of the process of law. Accordingly, the charge sheet in P.R.C.No.19 of 2025 on the file of the Judicial Magistrate–Additional Mahila Court, Thanjavur, stands quashed insofar as the petitioners herein are concerned. This Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

07.08.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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To

1.The Judicial Magistrate-Additional Mahila Court
Thanjavur

2.The Inspector of Police
AWPS Thanjavur Police Station
Thanjavur District
Crime No.16 of 2025

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



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R.VIJAYAKUMAR, J.

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