



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 06.07.2026

Pronounced on : 08.07.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.7780 of 2026
and
CrI.M.P(MD)Nos.8349 & 8350 of 2026

1.Subbulakshmi

2.Manju

...Petitioners/Accused Nos.1 & 2

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
VK Pudur Police Station,
Tenkasi District.
(Crime No.180 of 2025)

.....Respondent/Complainant

2. Periyamayagi

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the charge sheet in C.C.No.302 of 2025 pending on the file of the Judicial Magistrate, Alangulam and quash the same as against the petitioners.

For Petitioners : Mr.R.Vignesh

For Respondents : Mr.G.Ganeshkumar
Government Advocate (CrI.side) for R1
:Mr.J.Leo Daniel Kavin for R2



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ORDER

The present petition has been filed by accused Nos.1 and 2 in C.C.No.302 of 2025 on the file of the Judicial Magistrate, Alangulam seeking to quash the charge sheet wherein they are charged with the offences under Sections 296(b) and 117(2) of BNS 2023.

2.A perusal of the F.I.R reveals that a verbal altercation has taken place between the first petitioner and the defacto complainant's daughter while they were drawing water from a street tap. At about 9.00 a.m, near the house of the defacto complainant, the petitioners are said to have abused the defacto complainant in obscene language and physically assaulted her.

3.According to the learned counsel appearing for the petitioners, the obscene words have not been specifically mentioned in the charge sheet and it has not been pointed out that any annoyance was caused to the general public. He had further submitted that the second accused was in advance stage of pregnancy on the alleged date of occurrence and it is highly unbelievable that she had caught hold of hair of the defacto complainant, pushed her and attacked her. Therefore, it is clearly a false case has been foisted against both the petitioners. He had further contended that the alleged incident is said to have taken place on 29.04.2025. However, the defacto complainant has lodged a complaint only on 06.05.2025. According to him, the delay will impact



credibility of the allegations.

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4.The learned counsel for the petitioners had relied upon a decision of the Hon'ble Supreme Court reported in **2026 SCC online SC 529 (Sivakumar Vs. State Rep. by the Inspector of Police)** and contended that the use of the particular obscene word is not sufficient to arose prurient interest of a person, especially when such words are commonly used in modern era during heated conversations.

5.Per contra, the learned counsel appearing for the defacto complainant had submitted that the specific overtacts are alleged as against the petitioners herein. The exact obscene words are incorporated in the charge sheet. Both the accused persons have attacked the defacto complainant and caused grievous hurt to the defacto complainant and in such circumstances, the defences raised by the petitioners herein are subject to trial and therefore, they cannot be considered in a quash petition.

6.Heard the learned counsel appearing on either side and perused the material records.

7.The charges in the final report reveals that the word 'bastard' has been used by the accused persons while the defacto complainant was standing in front of her house. It is further alleged that both of them are said to have pulled the hair of the defacto complainant, pushed her down and caused grievous hurt



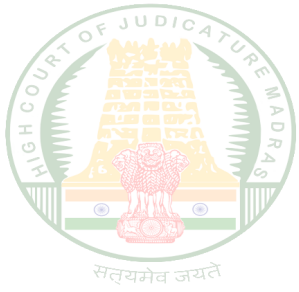
to the defacto complainant.

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8.As could be seen from the birth certificate issued by the Registrar (Birth and Death), Ambasamuthiram, a child is born to the second petitioner on 26.05.2025. The alleged incident is said to have taken place on 29.04.2025. Therefore, it is clear that the second accused was in an advance stage of pregnancy and in such circumstances, it is highly unbelievable that she had pulled the hair of the defacto complainant, pushed her and caused serious injuries in the shoulder of the defacto complainant. The Hon'ble Supreme Court in a judgment reported in **2026 SCC online SC 529** has categorically held that the use of word 'bastard' during heated arguments is not sufficient to attract Section 294(b) of I.P.C. In such circumstances, this Court is of the considered opinion that the prosecution as against the second petitioner herein would only be an abuse of process of law. As far as the first petitioner is concerned, specific overtacts are alleged and it is for her to establish her innocence during trial.

9.In such view of the matter, the charge sheet in C.C.No.302 of 2025 on the file of the Judicial Magistrate, Alangulam stands quashed as against the second accused and dismissed as against the first accused. This Criminal Original Petition is partly allowed. Consequently, connected miscellaneous petitions are closed.

08.07.2026



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

1.The learned Judicial Magistrate,
Alangulam.

2. The Inspector of Police,
VK Pudur Police Station,
Tenkasi District.
(Crime No.180 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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