



CrI.O.P.(MD) No.193 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CrI.O.P.(MD) No.193 of 2023

and

CrI.M.P.(MD) No.162 of 2023

1.Ashokkumar

2.Saroja

... Petitioners

-vs-

1.State

rep.by the Inspector of Police
Kattuputhur Police Station
Kattuputhur
Trichy District
(Crime No.33 of 2022)

2.Bhuvaneshwari

... Respondents

PRAYER: Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records pertaining to the charge sheet in S.T.C.No.9 of 2022, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Thottiyam and quash the same as illegal.



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For Petitioners : Mr.K.Arunraj

For Respondents : Ms.M.Aasha
Government Advocate (Criminal Side) for R1
No appearance for R2

ORDER

This criminal original petition is filed by the petitioners / A1 & A2 seeking to quash the proceedings initiated against them in S.T.C.No.9 of 2022, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Thottiyam.

2. It is the case of the petitioners that the first petitioner (A1) is the son of the second petitioner (A2). On 09.01.2022 at about 10.00 a.m., when the second respondent / *de facto* complainant, along with her husband, went to the house of the petitioners to ask the first petitioner (A1) as to why he attacked the son of the *de facto* complainant on 07.01.2022 while he was playing, the first petitioner (A1) abused the *de facto* complainant and her husband in filthy language and thereby, the petitioners (A1) and (A2) have committed the offence punishable under Section 294(b) I.P.C. Based on the complaint given by the *de facto* complainant, first information report was



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registered in Crime No.33 of 2022, on the file of the respondent – Police, for the offence under Sections 294(b) and 324 I.P.C., and subsequently, after investigation, final report was filed against the petitioners for the offence punishable under Sections 294(b) I.P.C. Aggrieved over the issuance of process, the petitioners have come forward with this criminal original petition.

3. Learned counsel for the petitioners would submit that no offence is made out under Section 294(b) I.P.C., against the petitioners and in support of his contention, he has placed reliance upon the decision of this Court in the case of ***K.Jeyaramanuju vs. Janakaraj and another***, reported in ***1996(1) CTC 470***.

4. Per contra, learned Government Advocate (Criminal Side) for the respondent – Police, on instructions, would submit that there are statements recorded from various neighbours, which would sufficiently establish that the offence under Section 294(b) I.P.C., is made out against the petitioners and in support of her contentions, she has drawn the attention of this Court to the statements of Adaikkan and Govindhan, who are the independent witnesses and neighbours of the very same village, where the occurrence had taken place. Therefore, she prays for dismissal of this



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WEB CRYM criminal original petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. There is no dispute with regard to the proposition that to attract the offence under Section 294(b) I.P.C., mere utterance of obscene words are not sufficient, but there must be a further proof to establish that it created annoyance to the others. A perusal of the statements of the independent witnesses, who are neighbours, shows that the petitioners (A1) and (A2) have abused the *de facto* complainant and her husband in filthy language and the neighbours also intervened and pacified them and stopped the fight between the petitioners and the *de facto* complainant. This statement itself is sufficient to show that the act of the petitioners (A1) and (A2) caused annoyance to the others. Hence, I am of the view that there is a ground to establish that the offence under Section 294(b) I.P.C., is made out as against the petitioners (A1) and (A2) and the contention of the learned counsel for the petitioner in this regard is not acceptable.

7. Accordingly, the criminal original petition is dismissed. The



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concerned Trial Court is directed to dispose of S.T.C.No.9 of 2022 as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

15.07.2024

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

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To:

- 1.The District Munsif-cum-Judicial Magistrate,
Thottiyam.
- 2.The Inspector of Police,
Kattuputhur Police Station,
Kattuputhur,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

K.RAJASEKAR, J.



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