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Crl.OP.No.6537 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.6537 of 2025 and

Crl.M.P.No.4187 of 2025

M.Palanisamy

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Crime No.108 of 2024)

2. Selvajothi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.53 of 2025 on the file of the learned Judicial Magistrate, Dharapuram and quash the same.

For petitioner : Mr.N.Manokaran
For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor – R1
No appearance – R2

ORDER

This Criminal Original Petition has been filed to call for the records and quash C.C.No.53 of 2025 on the file of the learned Judicial Magistrate, Dharapuram.

2. The Final Report has been filed against the petitioner by the



Respondent Police before the learned Judicial Magistrate, Dharapuram in

C.C.No.108 of 2024 under Sections 294 (b) and 506 (i) I.P.C. to the effect that the petitioner / accused demanded amount from the Defacto complainant's son one Sai Nithishkumar who was working under Accused firm since he has left the job and swindled certain amount, thereby, he abused the defacto complainant and her husband using obscene words and further oral threat also made.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the Prosecution. In fact, the petitioner is a farmer and the defacto complainant borrowed some amount and to wriggle out the liability to repay the amount, a false complaint came to be filed against him. Except the complaint of the defacto complainant and her husband, all other witnesses are only hearsay witnesses.

4. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and perused the materials available on record.

5. It is well settled that mere utterance of obscene words are not



sufficient to prove the offence under Section 294 IPC. There must be further proof to establish that it was to the annoyance of others. In this case, no one has clearly spoken about the obscene words. On perusal of the complaint, it shows that the Defacto complainant's son was working in the firm run by the Accused and after leaving the firm, the complaint came to be filed. In fact, it is clearly indicated that the complaint has a motive for some other reasons.

6. In this connection, it is relevant to refer the decision of the Hon'ble Supreme Court reported in ***(2025) 1 MLJ (Crl) 357 (SC) in Om Prakash Ambadkar Vs. State of Maharashtra and Ors.*** wherein it has been held as follows:

14....

9. To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellant-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) IPC is made out."

15. *We fail to understand how the act of a police officer assaulting the complainant within public view or public as*



alleged would amount to an obscene act. Obscene act for the purpose of Section 294 has a particular meaning. Mere abusive, humiliating or defamatory words by themselves are not sufficient to attract the offence under Section 294 of the IPC.

7. Further this Court in the Order dated 24.06.2022 in *Crl.O.P.No.13128 of 2022*, has held as follows:

7.the entire allegations with regard to threat and abusive language, there is no statements made by the witnesses as to the nature of the abusive language and threat. Except the general statements that the accused made threat, no other statements were made. Therefore, mere general allegations of nature of threat and abusive language without specific words, which really caused apprehension or danger to the life of the petitioner, the offences under Sections 294(b) and 506(i) of I.P.C., will not be attracted.

8. In this case, except stating that the accused threatened orally, there is no material to show that such threat has caused real threat to life of the defacto complainant/her son. Hence the prosecution is a clear abuse of process of law

9. In view of the above, this Criminal Original petition is allowed. The proceedings in C.C.No.53 of 2025 on the file of the learned Judicial Magistrate, Dharapuram is hereby quashed. Consequently, connected



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miscellaneous petition is closed.

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Index: Yes / No

Speaking Order / Non speaking order

Neutral Citation : Yes / No

To,

1. The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
2. The Judicial Magistrate, Dharapuram
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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