



CrI.O.P.No. 13701 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.13701 of 2025

1.Muruganandham
2.Manivasagam

... Petitioners

Vs.

1.State rep by
Inspector of Police,
Virudhachalam Police Station
Virudhachalam, Cuddalore District.
(Crime No.935 of 2016).

2.Seenivasan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the impugned charge sheet in STC No.339 of 2017 pending on the file of the learned Judicial Magistrate Court-I, Virudhachalam and quash the same.

For Petitioners : Mr.A.Suresh Sakthi Murugan

For R1 : Mr.R.Vinothraja,



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Government Advocate (crl.side).

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.339 of 2017 pending on the file of the learned Judicial Magistrate Court-I, Virudhachalam.

2. The case of the prosecution is that the second respondent was serving as the Block Development Officer at Virudhachalam at the relevant time. On 02.12.2016, at around 4.30 p.m., the petitioners along with approximately 20 unidentified individuals, allegedly entered the Panchayat Office at Virudhachalam without informing or obtaining permission from the office. Once inside, they reportedly raised slogans and used abusive and filthy language. That apart, it is alleged that they besieged the second respondent, thereby obstructing him from discharging his official duties. Based on these allegations, the first respondent registered a case in Crime No.935 of 2016 for the offence under Sections 143, 447, 294(b) and 353 of IPC. After completion of the investigation, the first respondent filed a final report before the Judicial



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Magistrate Court-I, Virudhachalam and the same was taken cognizance in STC No.339 of 2017.

3. The learned counsel for the petitioners submitted that the petitioners had merely entered the office of the second respondent to question certain issues related to a contract work. It is his contention that there was no act committed by the petitioners that can be construed as obstruction to official duty, nor is there any specific allegation of physical or verbal intimidation directed towards the second respondent that would attract the ingredients of the alleged offences. The entire incident appears to be a result of misunderstanding and the allegations, even if taken at face value, are trivial in nature and do not warrant continuation of criminal proceedings. It was further submitted that the continuation of such proceedings would amount to an abuse of the process of law. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (Criminal Side) submitted that the charges were framed based on the complaint lodged by the



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second respondent, who is a public servant. It was argued that the allegations made, if proved, would constitute the offences alleged, particularly under Section 353 of IPC, and therefore, the matter should be decided during the course of trial.

5. Heard both sides and perused the materials available on record.

6. On a perusal of the case records, it appears that the petitioners had entered the office of the second respondent to raise certain queries with respect to contract work. There is no direct or substantial evidence to show that they had restrained or physically obstructed the second respondent from performing his duties. The FIR and final report do not indicate any specific overt act by the petitioners that would *prima facie* satisfy the ingredients of the offences alleged, particularly under Sections 353 or 294(b) of IPC. That apart, no independent witnesses have been cited to support the prosecution version. The allegations appear to be general and lacking in evidentiary support. In the considered view of this Court, the allegations, even if accepted in their entirety, are too vague



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and trivial to constitute a prosecutable offence.

7. In order to attract the offence under Section 294(b) of IPC, there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

"294. Obscene acts and songs —Whoever, to the annoyance of others— (a) does any obscene act in any public place, or (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

8. Admittedly, there is absolutely no words uttered by the petitioners as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. No one has spoken about the obscene words and that they felt annoyed and in the absence of legal



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evidence to show that the words uttered by the petitioner annoyed others, it can not be said that the ingredients of the offence under Section 294(b) of IPC is made out.

9. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscence 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."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioner.

10. In view of the above, this Court is of the opinion that allowing the proceedings to continue would be an abuse of the process of law. Accordingly, the proceedings in S.T.C. No.339 of 2017, on the file of the learned Judicial Magistrate Court-I, Virudhachalam, is hereby quashed.



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11. In the result, this Criminal Original Petition stands allowed.

30.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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To

1.The Judicial Magistrate Court-I, Virudhachalam

2.The Inspector of Police,
Virudhachalam Police Station
Virudhachalam, Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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