



CRL OP(MD). No.1530 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.1530 of 2024
and
Crl.M.P(MD) No.1057 of 2024

1. T.Anbu

2. T.Ramesh

3. T.Murali

4. T.Mohan

... Petitioners

Vs

1. The Inspector of Police,
H6, Alanganallur Police Station,
Madurai District.
Crime No.149 of 2022.

2.R.Bharathi,
S/o. Rajamani

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to
call for the records pertaining to the impugned charge sheet in CC.No.
505 of 2023 on the file of Judicial Magistrate Court, Vadipatti in FIR in



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Cr.No.149 of 2022 on the file of the respondent Police, Madurai District
dated 31.05.2022.

For Petitioners : Mr.A.Ganesan,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Additional Public Prosecutor

ORDER

The petitioner seeks quash of the final report in C.C.No.505 of 2023, on the file of the learned Judicial Magistrate Court, Vadipatti, which was filed for the offences under Sections 294(b), 323 and 506(ii) of IPC.

2.The allegation against the petitioner is that on account of prior enmity, on 24.05.2022 at about 7.00 a.m., the petitioners attacked the defacto complainant with hands, abused him in filthy language and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that there is a civil dispute between the petitioner and defacto complainant; that on



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account of the said motive, the petitioners have been falsely implicated; that in the FIR, an exaggerated version was given stating that the petitioners attacked the defacto complainant with wooden log and caused injuries on the head and other parts of the body; that the respondent police themselves stated that the said version is false and filed an alteration before the learned Magistrate on 13.06.2022 and that considering the nature of the allegations, the harm caused being slight the impugned prosecution may be quashed.

4.The learned counsel appearing for the second respondent would submit that the Doctor, who examined the defacto complainant, certified that the defacto complainant had sustained simple injury; that therefore, the question as to whether the offence under Section 323 of IPC is made out, has to be adjudicated only before the trial Court, even assuming the other offences are not made out.

5.The learned Additional Public Prosecutor appearing for the respondent police reiterated the contents of the final report and stated that the impugned prosecution cannot be quashed merely because there



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are contradictions in the evidence and that eye witnesses have been cited in the final report.

6.The allegation in the FIR is that petitioners attacked the de facto complainant and others with wooden log and chapels, caused injuries on the head, chest and back of the defacto complainant and thus, committed the aforesaid offences. The said version was found to be false as could be seen from the alteration report filed by the respondent before the learned Magistrate on 13.06.2022. The respondent had stated that the version of the defacto complainant that the petitioners entered into the house of defacto complainant and attacked him with chapel, is without any basis.

7.The final report now filed stating that the defacto complainant was attacked with hands. In the light of the contrary versions made by the respondent, this Court is of the view that the chances of conviction of the petitioners for the offence under Section 323 of IPC is bleak. Even assuming that the contradictions cannot be appreciated in the quash petition and the allegations suggest the Commission of offence under



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Section 323 of IPC, this Court is of the view that the harm caused to the second respondent is so slight and that the act of the petitioners would be covered under Section 95 of the IPC.

8.The offences under Section 294(b) and 506(ii) of IPC are also not made out based on the facts. In order to attract the offence under Section 294(b) of IPC, the person must have done any obscene act or uttered any obscene words etc., to the annoyance of others. The Hon'ble Supreme Court in the case of ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in ***(2022) 17 SCC 818*** has held as follows:

"8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.



9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of 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 appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out."

9. Similarly, to attract the offence under Section 506(ii) IPC, there must be a real threat. This Court, in the case of ***Noble Mohandass vs. State*** reported in ***1989 Cri.Lj 669***, had held as follows:

"7. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually."



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10. The above observations would squarely apply to the facts of the instant case. Accordingly, the impugned charge sheet in CC.No.505 of 2023 on the file of Judicial Magistrate Court, Vadipatti is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.10.2025

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

1.The Judicial Magistrate,
Vadipatti.

2.The Inspector of Police,
H6, Alanganallur Police Station,
Madurai District.

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



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SUNDER MOHAN,J

CP

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