



CrI.O.P.(MD)Nos.3697 of 2024 and 13170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).Nos.3697 of 2024 and 13170 of 2023

and

CrI.M.P.(MD).Nos.2907 and 2908 of 2024 and 10297 and 10299 of 2023

CrI.O.P.(MD).Nos.3697 of 2024

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... Petitioner/Accused 2

Vs.

1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
Crime No.28/2023.

...1st Respondent/Complainant

2. A.Pandeeswari

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the above Charge Sheet is in STC No.95/2023, on the file of the Learned District Munsif Cum Judicial Magistrate Court Kamuthi, and quash the same in so far the Petitioner is concerned.

For Petitioners : Mr.Ram Prakash.G

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : Mr.CM.Arumugam



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R.Annadurai

... Petitioner/Accused 1

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1.The Inspector of Police,
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Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet is in STC No.95 of 2023 on the file of the learned Judicial Magistrate, Kamuthi, and quash the same in so far the petitioner is concerned.

For Petitioners : Mr.Gubanthiran.V
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R2 : Mr.CM.Arumugam

COMMON ORDER

These petitions have been filed to quash the charge sheet in S.T.C.No.95 of 2023 on the file of the learned Judicial Magistrate, Kamuthi, filed for the offences punishable under Sections 294(b) and 506(i) of IPC.



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2. Though one of the cases was filed in the year 2023, both the cases were listed before this Court pursuant to the orders of the Honorable Chief Justice, Madras High Court, dated 10.12.2024.

3. The gist of the allegation in the impugned final report is that the petitioner in Crl.O.P(MD) No.13170 of 2023 is the husband of the defacto complainant and the petitioner in Crl.O.P(MD) No.3697 of 2024 is close relative of her husband; that there were matrimonial differences between the petitioner in Crl.O.P(MD) No.13170 of 2023 and the defacto complainant; that on 23.12.2022 at about 11.00 AM, the defacto complainant had entered into the property, which is in possession of her husband, pursuant to an order passed by the learned Judicial Magistrate, Kamuthi in a Domestic Violence Act Proceedings; that at about 6.40 PM on the same day, the husband of the defacto complainant had removed the fan and disconnected the water supply and abused the defacto complainant in filthy language; that the petitioner in Crl.O.P(MD) No.3697 of 2024 also abused the defacto complainant in filthy language and also threatened her of dire consequences and thus committed the aforesaid offences.



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4. The learned counsel for the petitioners would submit that the allegation only discloses matrimonial differences; that there are proceedings pending between the defacto complainant and her husband for restitution of conjugal rights and for divorce; that the allegations in the impugned final report, even if accepted to be true, would not attract the offences under Sections 294(b) and 506(i) of IPC.

5. The learned counsel for the defacto complainant would vehemently oppose the prayer for quashing the final report and would submit that the allegations could attract the offences alleged; that there are eye witnesses to the occurrence; and that the points raised by the learned counsel for the petitioners have to be adjudicated only in trial.

6. The learned Additional Public Prosecutor reiterated the allegations in the final report and further confirmed that besides the defacto complainant, two other eyewitnesses were also examined by the prosecution and the points raised by the learned counsel for the petitioners cannot be decided in this quash petition.



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7. The petitioner in Crl.O.P(MD) No.13170 of 2023 is admittedly the husband of the defacto complainant. There are matrimonial differences between the defacto complainant and her husband. It appears that on the day of occurrence, the defacto complainant went to the house of her husband after an order passed by the learned Magistrate, Kamuthi in a Domestic Violence Act Proceedings permitting the defacto complainant to reside in the shared household. Thereafter, the alleged occurrence is said to have taken place.

8. The question in the instant quash petition is whether on the admitted facts, the offences under Section 294(b) and 506(ii) IPC are made out. 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(2) 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 observations made in the aforesaid two Judgments are squarely applicable to the facts of this case. This Court is of the view that the instant case stems out of a dispute between the husband and wife. The allegations at best suggest that the defacto complainant was abused in filthy language because the petitioners were aggrieved by her entry into the house, pursuant to an order of the Magistrate. However, it would not attract the offences alleged in view of the aforesaid observations in the judgments extracted above. Accordingly, this Court is inclined to quash the impugned final report in S.T.C.No.95 of 2023 on the file of the learned Judicial Magistrate, Kamuthi and the Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

14.11.2025

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

Indu/dk

To

1.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

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

7/9



Madurai.

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SUNDER MOHAN, J.

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