



CRL OP(MD). No.10230 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 14.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.10230 of 2025

and

Crl.MP(MD)No.7628 of 2025

Arul Soosai @ Arulsujai,

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.79 of 2023.

2. Chinnaraani

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records relating to the charge sheet in STC No.224 of 2025 pending on the file of the Judicial Magistrate, Pattukkottai, Thanjavur District and quash the same.

For Petitioner : Mr.T.LajapathiRoay, Senior Counsel
for Mr.B.Anandan,

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1

: Mr.S.Kanagarajan for R2



WEB COPY



CRL OP(MD), No.10230 of 2025

ORDER

This Petition is filed to quash the impugned final report in STC No.224 of 2025 pending on the file of the learned Judicial Magistrate, Pattukkottai, Thanjavur District, for the offence under Section 294 (b) I.P.C.

2. The gist of the allegation in the final report is that on account of prior enmity, the petitioner had called the defacto complainant and her daughter over phone and spoke to them in an indecent manner and uttered obscene words.

3. The learned counsel for the petitioner would submit that even if the allegations are to be true, the offence under Section 294(b) of the IPC would not be made out as the alleged words are said to have been uttered over phone to the defacto complainant and to the daughter of the defacto complainant; that in order to attract the offence under Section 294(b) of the IPC, the words uttered must be not only be obscene, but also it must cause annoyance to others in any public place; and that there is no



CRL OP(MD), No.10230 of 2025

allegation that the above said act of the petitioner was committed in any public place.

4. Heard the learned learned counsel for the second respondent and the learned Additional Public Prosecutor, who reiterated the allegations in the final report and submitted that the points raised by the petitioner has to be adjudicated only during the trial and not in the quash petition and sought for dismissal.

5. Admittedly, the alleged words were spoken by the petitioner over phone. In order to attract the offence under Section 294(b) I.P.C, the words uttered must have caused annoyance to others in any public place. 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



CRL OP(MD), No.10230 of 2025

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."

6. The observation is squarely applicable to the facts of the instance case and hence, the impugned prosecution cannot be sustained and is liable to be quashed.

7. Accordingly, this Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

14.11.2025

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

4/6



CRL OP(MD). No.10230 of 2025

WEB COPY

TO

1. The Judicial Magistrate,
Pattukkottai,
Thanjavur District
2. The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.



WEB COPY



CRL OP(MD), No.10230 of 2025

SUNDER MOHAN,J.

LS

CRL OP(MD) No.10230 of 2025

14.11.2025