



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-11-2025

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 13928 of 2023

and CRL.M.P(MD)No.10884 of 2023

Malathi

... Petitioner/sole accused

Vs

The Inspector of Police,
Samayanallur Police Station,
Madurai District
(Crime No.301 of 2021)

2. Nivetha

... Respondents

For Petitioner : Party – in -person

For Respondents : M/s.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side), for R-1
M/s.Moorthy, for R-2

PRAYER :- To quash the FIR in Crime No. 301 of 2021 on the file of the respondent police.

ORDER

This Criminal Original Petition is filed to quash the proceedings in FIR in Crime No. 301 of 2021 on the file of the respondent police for the alleged offences under section 354, 507 and 509 of IPC.



2. The case of the prosecution is that one Malathi and Gowri Shankar, are husband and wife. The defacto complainant Nivetha is the sister of the said Gowri Shankar and sister-in-law of the said Malathi. There is matrimonial dispute between the said Malathi and the Gowri Shankar. On 08.05.2021 the petitioner herein/sole accused sent messages in unparliamentary filthy language to the 2nd respondent through WhatsApp and the defacto complainant had given complaint on 11.05.2021.

3. It is seen there are several cases between the families. There was an attempt to compromise the issue. At the time of recording compromise again there was a dispute between parties. Hence compromise could not be recorded.

4. The allegation against the petitioner is she had uttered filthy words against the defacto complainant. The section 354 would be attracted if there is physically pulling a woman or removing the dress or slapping physically etc. In the present case the allegation is filthy words through WhatsApp messages. Therefore, the said section 354 is not attracted.

5. The section 507 would be attracted when the communication is sent as an anonymous communication. In the present case the name displaces, therefore the said section is not attracted.



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6. The section 509 would be attracted when there is insult to the modesty of the women. The term modesty has not been expressly defined. In accordance with the Oxford English Dictionary, one of the interpretations of modesty refers to womanly propriety of behavior. Hence Section 509 would be for protecting an attribute inherently linked to a woman's dignity and identity. However, time and again the Courts have held to constitute an outrage to the modesty of a woman it required an act that insults her modesty with an intention. In the case *Abhijeet J.K. v. State of Kerala* reported in 2020 SCC OnLine Ker SSS 703, the Kerala High Court clearly distinguished between a general insult directed at a woman and an act that insults her modesty and has held to invoke Section 509 it is not enough to merely insult a woman what is required is the intention to insult her modesty. The Supreme Court in the case *Rupan Deol Bajaj v. K.P.S. Gill* reported in 1995 6 SCC 194 has held that “the ultimate test for ascertaining whether the modesty has been outraged, is in the action of the offender such as could be perceived as one which is capable of shocking the decency of a woman”.

7. The section speaks of criminalization of word, gesture or act intended to insult the modesty of a woman. Hence it ought to be demonstrated that any action, expression, or comment made with the intent to demean or violate a woman's sense of modesty and the insult was directed at a specific woman or a



clearly identifiable group of women with an intention to outrage the modesty of a woman and which is capable of shocking the decency of a woman.

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8. In the present case both the women namely, Malathi and the Nivetha had abused each other in the family fight and there is no ingredient that they insult each other modesty with an intention, therefore it cannot be stated that the section 509 would be attracted.

9. Further considering the relationship between the parties and taking into account the fact that the present case would hamper the compromise in the pending matrimonial dispute and furthermore in order to maintain peace within the family, this Court is inclined to quash the FIR.

10. Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No. 301 of 2021 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

24.11.2025

KSA



To

1. The Inspector of Police,
Samayanallur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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ORDER in
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Date : 24.11.2025