



Crl.O.P.(MD)No.13518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.13518 of 2024

and

Crl.MP.(MD).Nos.8383 and 8384 of 2024

Ilambaruthi @ Elanbaruthi

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.207/2020)

... 1st Respondent/Complainant

2.Ravi

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the Charge Sheet in S.T.C.No.794 of 2022 pending on the file of Judicial Magistrate Court, Paramakudi and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner	: Mr.R.Gandhi for M/s.Gandhi Associates
For R-1	: Mr.K.Sanjai Gandhi Government Advocate (Crl. Side)
For R-2	: Mr.R.Selvam



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ORDER

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This Criminal Original Petition is filed to quash the impugned final report in S.T.C.No.794 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, which was filed for the offence under Section 294(b) of IPC.

2. The allegation in the final report is that the petitioner along with another accused had, in a public place, abused the defacto complainant in filthy language and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that even if the allegations are accepted to be true, the offence under Section 294(b) of IPC would not be made out and relied upon the judgment of the Hon'ble Supreme Court in the case of *N.S.Madhanagopal and Another Vs. K.Lalitha* reported in **(2022) 17 SCC 818**.

4. The learned counsel for the second respondent however would vehemently oppose the prayer stating that the question as to whether the offence under Section 294(b) of IPC is made out cannot be adjudicated in a quash petition; and that the petitioner has to raise all his points only before the Trial Court.



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5. The learned Additional Public Prosecutor reiterated the allegations in the final report and opposed the quash petition.

6. As stated earlier, the only allegation against the petitioner is that he had abused the defacto complainant and made some defamatory comments against him. It is well settled that unless the ingredients of Section 294(b) of IPC are made out, the accused cannot be prosecuted for such an offence merely because certain abusive language and defamatory statements were made. The Hon'ble Supreme Court in the case of **N.S.Madhanagopal and Another Vs. K.Lalitha** (cited supra) 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



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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."

The above observations would squarely apply to the facts of the instant case.

7. Since the allegation does not constitute the offence under Section 294(b) of IPC, this Court is of the view that the impugned final report is liable to be quashed. Accordingly, the impugned final report in S.T.C.No.794 of 2022 on the file of the learned Judicial Magistrate, Paramakudi is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

31.10.2025

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

To
1.The Judicial Magistrate Court,
Paramakudi.

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2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.

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



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SUNDER MOHAN, J.

Lm

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