



Crl.OP(MD)No.15617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.15617 of 2024

and

Crl.M.P.(MD)Nos.9784 & 10289 of 2024

1. T.Palanikumar,
2. K. Mahesh @ Mahendran,
3. T. Manohara,
4. P. Chandra, ... Petitioners

Vs.

1. The State of Tamilnadu,
Rep By The Inspector of Police
K.Pudur Police Station,
Madurai District.
(Cr.No.243/2023).

2. Palchamy Raj, ... Respondents

PRAYER :-This petition is filed under 528 BNSS, to call for the records pursuant to the impugned charge sheet in C.C.No.853 of 2024 pending on the file of the learned Judicial Magistrate No.VI Madurai, and quash the same as far as the petitioners concern.

For Petitioners : Mr.Gurudas.M,



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For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side) for R1

: Mr.G.Manikandan for R2

ORDER

This Petition is filed to quash the impugned final report filed for the offences under Sections 294(b), 323 and 506(i) I.P.C.

1. The gist of the allegation is that on 29.07.2023 at about 03.00 pm., the first petitioner, who is the son-in-law of the defacto complainant, went to the house of the de facto complainant to take back his wife, who left the matrimonial home; that a wordy altercation took place and all the petitioners had attacked the defacto complainant and other witnesses with hands and caused injury; and had committed the offence of criminal intimidation, besides abusing them in filthy language.

2.



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3. The learned counsel for the petitioners would submit that the matrimonial differences have been projected as a case of causing hurt; that the allegations are vague; that it is not specifically stated as to which of the petitioners attacked the defacto complainant and the allegations in the impugned file report are contrary to each other; that the Honorable Supreme Court in *Abhishek Saxena V. State of Uttar Pradesh* reported in **2023 INSC 1088** and held that in matters of this nature where there is bald statement of assault and the accused is prosecuted under Section 323 I.P.C., this Court can exercise its power under Section 482 Cr.P.C., having regard to the attendant circumstances.

4. The defacto complainant, however, vehemently oppose the prayer for quashing. He would submit that there are specific allegations that all the petitioners had attacked the defacto complainant with hands; that since she was attacked with hands she did not suffer any external injury; that merely because the defacto complainant did not suffer any external injury, it cannot be said that the offence of Section 323 IPC is



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not made out; and that the factual issues raised by the petitioner cannot be adjudicated in a quash petition.

5. The learned Government Advocate (CrL.Side) reiterated the contents of the final report and would state that the points raised by the petitioners are factual in nature and cannot be adjudicated in a quash petition; that there are eyewitnesses to the occurrence and their statements cannot be brushed aside at this stage; and that it is for the trial Court to determine whether the offence under Section 323 I.P.C, is made out.

6. Admittedly, the first petitioner was the son-in-law of the defacto complainant. It appears that after the alleged occurrence, the marriage between the first petitioner and the defacto complainant's daughter was dissolved by a decree of divorce. It is a case of the defacto complainant that the petitioners attacked them with hands indiscriminately.



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7. The allegations are vague and bereft of necessary particulars as to which of the accused attacked, which of the witnesses. Admittedly, the defacto complainant or the witnesses did not take treatment in a hospital since they did not suffer any external injury. Though that may not be a ground to quash the final report, it is seen that there are no specific allegations. There is a an omnibus vague allegation that all the petitioners attacked the defacto complainant complaint and the other witnesses. This vague allegation has to be appreciated in the light of the strained relationship between the first petitioner and the defacto complainant's daughter. The allegations at best suggests that there was a wordy altercation between the petitioners' on the one hand and the defacto complainant and his family members on the other hand, with regard to the request made by the first petitioner to send his daughter along with him. The allegations do not attract the offence under Section 294(b) I.P.C. The Hon'ble Supreme Court in ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in **2022 LiveLaw (SC) 844**, had held that mere bad words would not attract the offence under Section 294(b) of the IPC and the relevant observation reads as follows:

“It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual



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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. To prove the offence under Section 294 of 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.”

Similarly, the allegations also do not attract the offence under Section 506 (i) I.P.C. This Court in ***Noble Mohandass vs. State*** reported in **1988 (1) MLJ (Crl) 54** has held as follows:

“7. As far as the offence under Section 506(2) is concerned, the learned counsel for the revision petitioner contended that the threat was not a real one, that it was of the kind of words which are currently and frequently used by people when they are angry and that further the threat was not spoken to by P.W. 3 and P.W. 4 who by that time had already come to the scene of occurrence. It is, in fact, found from the records that the threat would have been lashed out after P.Ws. 3 and 4 came to the place and separated both the husband and wife. Therefore, the evidence of P.W. 1 should have been corroborated by the evidence of P.W. 3 and P.W. 4 who were necessary witnesses to the occurrence. Since they did not corroborate the testimony of P.W. 1 in this aspect, the offence cannot be held to be proved. Further for being an offence under Section 506(2)



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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. In fact P.W.1 when she filed the complaint to the police officer, did not express any fear for her life nor asked for any protection. Therefore, the offence under Section 506(2) is not made out.”

8. Hence considering the relationship, nature of allegations and the fact that subsequently the defacto complainant's daughter's marriage with the first petitioner also has been dissolved by a decree of divorce, this Court is of the view that no useful purpose will be served in continuing the prosecution.

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

27.11.2025

LS/ars



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1. The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police
K.Pudur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

LS/ars

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