



CRL OP(MD). No.17413 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.17413 of 2025
and
CrI.M.P(MD).No.14140 of 2025**

Mariyappan,

... Petitioner

Vs

1. The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(In Crime No.127/2012).

2. Ravi,,
(As On 25.08.2012),
Special Sub Inspector of Police,
Kallikudi Police Station,
Madurai District..

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records connected to FIR in Crime No.127/2012 on the file of the first respondent and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.Alagumani .



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For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioner seeks to quash the FIR in Crime No.127 of 2012 on the file of the first respondent police, registered for the offences under Sections 294(b), 353, 506(ii) of IPC r/w 25(1)(A) of Arms Act.

2. The police officials attached to the respondent police station were regulating the crowd, who were watching a cultural programme in the village; that the petitioner had abused the defacto complainant/ Sub Inspector of Police attached to the respondent police and threatened him with dire consequences by brandishing an Aruval and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that though the FIR was registered in the year 2012, that the respondent police have not filed a final report so far; that the pendency of the impugned FIR is causing undue hardship to the petitioner, who is working in the Indian Army and that the allegations in the FIR, in any case, would not



constitute any offence as alleged in the impugned FIR.

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4. The learned Additional Public Prosecutor, on instructions, would fairly submit that the investigation has not been completed and the final report has not been filed so far.

5. The allegation as stated earlier would indicate that the petitioner is alleged to have abused the defacto complainant and threatened him with dire consequences. It is well settled that in order to constitute an offence under Section 294(b) IPC, the words uttered by the petitioner must be obscene. 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."

6. Similarly, there is nothing in the impugned FIR to suggest that there was any 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



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launched does not feel threatened actually.”

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7. There is no allegation that the petitioner had used criminal force or assaulted the second respondent and therefore the offence under Section 353 IPC would not be made out. Further, the nature of weapon said to have been used by the petitioner and the size of the weapon also has not been stated in the FIR so as to attract the offence under Section 25(1)(A) of Arms Act. The respondents police have not chosen to investigate the impugned FIR for the past 13 years. This Court is of the view that no useful purpose would be served in keeping the impugned FIR pending investigation. Accordingly, the impugned FIR in Crime No. 127 of 2020 is quashed and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

14.10.2025

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TO

1. The Inspector of Police,
Kallikudi Police Station,
Madurai District.

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2. Ravi,
(As On 25.08.2012),
Special Sub Inspector of Police,
Kallikudi Police Station,
Madurai District..

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



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SUNDER MOHAN,J

tta/ars

**ORDER
IN
CRL OP(MD) No.17413 of 2025**

Date : 14/10/2025