



Crl.O.P.(MD)No.15443 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD)No.15443 of 2025

and

Crl.M.P(MD)Nos.12568 and 12571 of 2025

1.Mariyappan
2.Sonaimuthu
3.Balasubramani

... Petitioners/Accused Nos1 to 3

Vs.

1.The State Represented by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(In Crime No.274 of 2017)

... Respondent No.1/Complainant

2.Chellapandi

...Respondent No.2/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the impugned final report filed in C.C.No.9 of 2021 on the file of the learned Judicial Magistrate Court, Thirumangalam, Madurai District and quash the same as against the petitioners are concerned.

For Petitioners : Mr.R.Karunanidhi

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



Crl.O.P.(MD)No.15443 of 2025

ORDER

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The petitioners seek quashing of the impugned final report filed in C.C.No.9 of 2021 on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District, for the alleged offences under Section 294(b), 323, 353, 506(2) of IPC.

2. The allegation in the final report is that aggrieved by the inaction of the police in securing a missing person, who is the first petitioner's sister, the petitioners protested in front of the police station and abused the Inspector of Police in filthy language and thus, committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged; that they had not abuse the Inspector of Police officials in any manner; that they had not obstructed any public servants in discharging their official duties; that they had neither assaulted nor employed criminal force to deter public servant; and have none of the offences are made out.

4. The learned Additional Public Prosecutor for the first respondent would submit that the allegations constitute the offences and therefore, the impugned prosecution is not liable to be quashed.



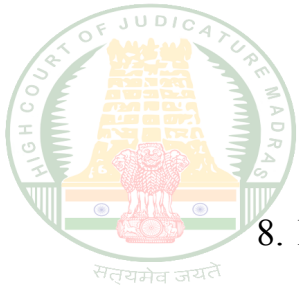
Crl.O.P.(MD)No.15443 of 2025

WEB COPY

5. It is seen from the final report that the alleged occurrence took place in the year 2017. Admittedly, the petitioners had gone to the police station to seek assistance to trace the missing person and had lodged an FIR in Crime No.162 of 2017 dated 29.08.2017, on the file of the first respondent.

6. A reading of the allegation suggests that that the petitioners had humiliated the respondents. There is no allegation to attract the offence under Section 294(b) of IPC. It is well settled that in order to prosecute the person under Section 294(b) of the IPC, the person must have done any obscene act in a public space or must have uttered obscene words etc., to the annoyance of others. There is no allegation of attack on the police officers so as to warrant registration of offence under Section 323 of IPC as well. Similarly, there is no allegation of assault or using criminal force to deter public servants from discharging their duties. The allegation of offence under Section 506 (2) of the IPC is also not made out, as there is nothing to indicate that there was real threat to the respondents.

7. It is seen that though the alleged occurrence took place in the year 2017, final report was filed only in the year 2021 and there is no progress in the trial.



Crl.O.P.(MD)No.15443 of 2025

8. For the aforesaid reasons, the impugned final report in C.C. No. 9 of 2021 on the file of the learned Judicial Magistrate Court, Thirumangalam, Madurai District is liable to be quashed and accordingly, quashed. The Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

17.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate Court,
Thirumangalam, Madurai District
- 2.The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.15443 of 2025

SUNDER MOHAN, J.

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Crl.O.P(MD).No.15443 of 2025

17.09.2025