



CRL OP(MD). No.15975 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.15975 of 2025

and

Crl.M.P(MD).No.13028 of 2025

Rajeshkannan

... Petitioner

Vs

1. The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

2.M.Vinayagamuthu

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in relating to the FIR in Crime No.418 of 2025 dated 14.08.2025 under Section 296(b) and 351(2) of BNS pending on the file of the first respondent police and quash the same as illegal so far as petitioner/Accused No.1 concerned.

For Petitioner : Mr.Saravanan
For R1 : Mr.K.Sanjai Gandhi



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ORDER

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The petitioner seeks to quash the FIR in Crime No.418 of 2025 dated 14.08.2025 pending on the file of the first respondent, registered for the offences under Sections 296(b) and 351(2) of BNS (corresponding to Sections 294(b) and 506(1) of IPC).

2. The allegation in the impugned FIR is that the petitioner made defamatory statements against the defacto complainant and other employees of the hospital and that action should be taken against them for indulging in certain illegal activities.

3. The learned counsel for the petitioner would submit that even if the allegations are accepted to be true, it would at best amount to defamation; that the allegations are false and that in any case, it would not constitute the offences under Sections 296(b) and 351(2) of BNS.

4. The learned Additional Public Prosecutor, on instructions, would fairly submit that the petitioner has previous antecedents and therefore, the impugned FIR may not be quashed.



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5. Though notice has been served on the second respondent and his name is also printed in the cause list, none has entered appearance.

6. The allegation is that the petitioner made defamatory statements against the defacto complainant and other employees of the hospital. The allegation do not attract the offences under Sections 296(b) and 351(2) of BNS (corresponding to Sections 294(b) and 506(1) of IPC).

7. 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."

8. 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 launched does not feel threatened actually. "



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9. The above observations would squarely apply to the facts of the instant case. Therefore, this Court is of the view that the impugned FIR is an abuse of process of law. The fact that the petitioner has bad antecedents would make no difference. Accordingly, the impugned FIR in Crime No.418 of 2025 pending on the file of the first respondent police is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24.10.2025

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

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



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SUNDER MOHAN,J

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**ORDER
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