



Crl.O.P.(MD) No.16447 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16447 of 2025

and

Crl.M.P.(MD) Nos.13361 & 13420 of 2025

Pruthivi Raj

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Crime No.135 of 2018)

2.Antony Agasteen

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned charge sheet in S.T.C.No.184 of 2023, on the file of the learned Judicial Magistrate, Nanguneri in connection with Crime No.135 of 2018 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.A.Sheik Nasurdeen

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.184 of 2023 on the file of the learned Judicial Magistrate, Nanguneri, filed against the petitioner/A5 for the offences punishable under Sections 147, 341 and 294(b) of the Indian Penal Code, 1860.

2. The gist of the allegations is that the petitioner, along with the other accused, had waylaid the second respondent/defacto complainant and abused him in filthy language, and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the alleged occurrence took place in the year 2018; that the allegation in the FIR was that the petitioner had attacked the defacto complainant with sticks, and hence, the FIR was registered for the offences under Sections 147, 341, 294(b) and 323 of the Indian Penal Code, 1860; that later it was found that the allegation regarding causing hurt was false and an alteration report was filed during the investigation altering the offences;



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and that ultimately, in the final report, the petitioner was charged with the offences under Sections 147, 341 and 294(b) of the Indian Penal Code, 1860.

4. The learned counsel would further submit that the FIR was lodged against seven persons, but the final report was filed only against five persons, which would also confirm that the defacto complainant had made exaggerated allegations; and that the offences under Sections 147, 341 and 294(b) of the Indian Penal Code, 1860 would not be made out, considering the fact that the primary allegation of assault was found to be false by the first respondent police, and therefore, the impugned charge sheet may be quashed.

5. The learned Additional Public Prosecutor for the first respondent would submit that though the FIR was registered for the offence under Section 323 of the Indian Penal Code, 1860, it was found during investigation that the allegation against the petitioner for causing hurt was found to be false



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WEB COPY 6. The notice sent to the second respondent/defacto complainant has been returned with the endorsement 'refused'. Therefore, the notice is deemed to have been served.

7. It is seen from the FIR that the defacto complainant had accused the petitioner and six others of beating him with sticks. However, that allegation was found to be false by the first respondent police. The offence under Section 294(b) would also not be made out, as it is well settled that unless the act of the accused and the words uttered by him are obscene, the offence under Section 294(b) of the IPC would not be attracted. The Hon'ble Supreme Court in ***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.



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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."

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

8. The main allegation of causing hurt was found to be false and the offence under Section 294(b) of the Indian Penal Code, 1860 is also not made out. Though seven accused were named in the FIR, only five were found responsible for the acts. This Court is of the view that in the facts and circumstances, the offences under Section 147 of the Indian Penal Code, 1860 would also not be made out as the assembly can neither said to be unlawful nor was there any force used by the assembly. Further the impugned proceedings are attended with *malafides* and the chances of conviction of the petitioner are bleak even for the offence under Section 341 of the IPC. Considering all the above facts, this Court is inclined to quash the final report.



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9. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate,
Nanguneri.
- 2.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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