



CRL OP(MD). No.20534 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20534 of 2025
and
Crl.M.P(MD) no.17422 of 2025

Karthick

... Petitioner

Vs

1. State of Tamilnadu
Rep by Inspector of Police,
Orathanadu, Police Station,
Thanjavur District.
Crime No.143/2020.

2. B.Vijayakrishnan,
Sub Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the FIR and all further proceedings in Crime No.143 of 2020 dated 28.03.2020 on the file of the Inspector of Police, Orathanadu Police Station, Thanjavur District as against the petitioner herein.

For Petitioner : Mr.M.Shunmalar

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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ORDER

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The petitioner seeks to quash the impugned FIR in Crime No.143 of 2020 on the file of the first respondent police, which was registered for the offence under Section 294(b) of IPC.

2.The gist of the allegation is that the petitioner was standing on the public road, uttering filthy words, proclaiming himself as a rowdy and causing a nuisance to the general public and disturbance to the traffic and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that even if the allegations are accepted as true, they would not attract the offence under Section 294(b) of IPC, as none of the ingredients of the said offence are made out and that the allegations, at best, would suggest that the petitioner had behaved in an indecent manner and therefore, prayed for quashing of the FIR.

4.Per contra, the learned Additional Public Prosecutor appearing for respondent police would submit that the respondent police has



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concluded the investigation and filed the final report before the learned Judicial Magistrate, Orathanadu, which is yet to be taken on file.

5.The learned counsel for the petitioner would submit that the petitioner had earlier filed a petition to quash the impugned FIR; that the same was disposed of, since the respondent police had submitted that the final report was filed on 18.06.2021, with liberty to the petitioner to challenge the final report and that the petitioner had applied for a copy of the final report, which was returned by the learned Judicial Magistrate, as no final report had been filed.

6.The learned Additional Public Prosecutor would fairly submit that the final report was filed only on 17.10.2025 and not on 18.06.2021, as stated earlier in the petition in Crl.O.P(MD) No.14496 of 2025.

7.The alleged occurrence took place on 28.03.2020. The final report admittedly has been filed only on 17.10.2025. The maximum sentence of imprisonment that can be imposed for the offence under Section 294(b) is six months imprisonment. The respondent police ought



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to have filed the final report within a period of one year from the date of occurrence, as per Section 468(2)(b) of Cr.P.C. That apart it is seen that none of the ingredients of the offence under Section 294(b) of IPC is made out on the allegations. 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



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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.The above observations would squarely apply to facts of the present case. Furthermore, as submitted by the petitioner, the allegations would only suggest that the petitioner had behaved indecently in a public place. Therefore, this Court is inclined to quash the impugned FIR in Crime No.143 of 2020 and the consequential final report, as no offence is made out and it is also barred by limitation.

9.In view of the above observations, this Criminal Original Petition is allowed and the impugned FIR in Crime No.143 of 2020 and the consequential final report are quashed. Consequently, connected miscellaneous petition is closed.

24.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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TO

- 1.The Inspector of Police,
Orathanadu, Police Station,
Thanjavur District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.20534 of 2025

Date : 24/11/2025