



CRL OP(MD). No.20676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27/11/2025

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

CRL OP(MD). No.20676 of 2025

and

CrI.M.P(MD) Nos.17549 and 17550 of 2025

1. Vignesh

2. Vickram

... Petitioners

Vs

1.The State of Tamilnadu,  
Rep by the Inspector of Police,  
Andipatti Police Station,  
Theni Distirct.

2.The State of Tamilnadu,  
Rep by the Special Sub Inspector of Police,,  
Andipatti Police Station,  
Theni District.

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining in C.C.No.94 of 2024 before the learned Judicial Magistrate, Aundipatti and quash the same as illegal.

For Petitioners : Mr.A.Banumathy,  
Advocate

For Respondents : Mr.R.Meenakshi Sundaram,



CRL OP(MD), No.20676 of 2025

Additional Public Prosecutor

**ORDER**

The petitioners seek to quash the impugned final report in C.C.No. 94 of 2024 before the learned Judicial Magistrate, Aundipatti, which was filed for the offences under Sections 294(b), 353 and 506(i) of IPC.

2. The gist of the allegation is that on 09.03.2024, at about 6:00 p.m., when the respondent police were conducting a vehicle check, they intercepted the petitioners' vehicle; that at that time, the second petitioner had consumed alcohol; that the respondent police seized the vehicle and registered a case; that therefore, the petitioners abused the respondent police in filthy language and challenged them, stating as to how they could file a case as against them and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that even if the allegations in the final report are accepted as true, no offences would be made out; that the allegations, at best, would attract an offence under



CRL OP(MD), No.20676 of 2025

Section 186 of IPC and that in any case, the petitioners now regret their actions and the first petitioner has also filed an affidavit tendering an unconditional apology to the respondents.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the allegations would attract the offences; that the petitioners have committed the offence of obstructing a public servant from discharging their duty; that the question as to whether the petitioners have committed the offences or not has to be adjudicated only in the trial and prayed for dismissal of the petition.

5.As stated earlier, the gist of the allegation is that when the petitioners were intercepted by the second respondent, they had abused the second respondent in filthy language and questioned as to how he could file a complaint against them. In order to attract the offence under Section 294(b) of IPC, 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:



CRL OP(MD), No.20676 of 2025

"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."



CRL OP(MD), No.20676 of 2025

6. Similarly, to attract the offence under Section 506(i) IPC, there must be a 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. ....”*

7. The above observations are squarely applicable to the facts of the present case. Further, there is no allegation that the petitioners assaulted or used criminal force as against the second respondent, even as per the prosecution and therefore, the offence under Section 353 of IPC is also not made out. The allegations, at best, would attract the offence under Section 186 of IPC for obstructing a public servant in discharge of his duty. There is no private complaint filed by the second respondent so far. That apart, the first petitioner have also filed an affidavit expressing



CRL OP(MD). No.20676 of 2025

regret for their actions and also sought for apology.

WEB COPY

8. In view of the above, this Court is inclined to quash the impugned final report and accordingly is quashed and the Criminal Original Petition is allowed and consequently, connected miscellaneous petitions are closed.

**27.11.2025**

NCC :Yes/No  
Index :Yes/No  
Internet :Yes/No  
cp/dk

TO

- 1.The Judicial Magistrate, Aundipatti.
- 2.The Inspector of Police,  
Andipatti Police Station,  
Theni Distirct.
- 3.The Special Sub Inspector of Police,  
Andipatti Police Station,  
Theni District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

6/8



WEB COPY



**CRL OP(MD). No.20676 of 2025**



WEB COPY



CRL OP(MD), No.20676 of 2025

SUNDER MOHAN,J

CP/dk

ORDER  
IN  
CRL OP(MD) No.20676 of 2025

Date : 27/11/2025