



Crl.OP(MD)No.22079 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22079 of 2025

and

Crl.M.P.(MD)Nos.19001 and 19002 of 2025

Lakshmi

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
(Cr.No.101 of 2025)

2.Periyasamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned charge sheet in S.T.C.No.155 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Illuppur, Pudukkottai District, on the file of the 1st respondent police and quash the same as against the petitioner / A2.

For Petitioner : Mr.J.Vishnu

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)



Crl.OP(MD)No.22079 of 2025

ORDER

Preface:

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records relating to the charge sheet in S.T.C. No.155 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Illuppur, Pudukkottai District, and to quash the same insofar as the petitioner/Accused No.2 is concerned.

2. The petitioner contends that the criminal proceedings have been maliciously initiated by giving a criminal colour to a purely civil and revenue dispute relating to alleged encroachment of Government poramboke land and that the essential ingredients of the offences alleged are conspicuously absent.

Case of the prosecution:

3. The case of the prosecution, as reflected in the First Information Report and the final report, is that the *de facto* complainant lodged a complaint before the respondent police alleging that the petitioner herein and one Palani (A1) attempted to occupy



Crl.OP(MD)No.22079 of 2025

Government poramboke land in Survey Nos.474/67 and 474/69, Meiyagoundanpatti Village. It is alleged that when the *de facto* complainant questioned such alleged encroachment, the petitioner abused him using obscene language and threatened him with dire consequences, including an alleged attempt to attack him with an aruval. Based on the said complaint, a case came to be registered and after investigation, a charge sheet was filed for the offences punishable under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 294(b) and 506 IPC), culminating in S.T.C. No.155 of 2025.

Case of the petitioner:

4. The petitioner would contend that the entire allegations are false, fabricated, and motivated by prior civil and revenue disputes between the parties. According to the petitioner, the dispute pertains to land classification, pathway, and patta rights, which are matters falling exclusively within the domain of Civil Courts and revenue authorities. It is further contended that there is an unexplained delay of nearly two months in lodging the complaint, that no injury has been caused to the *de facto* complainant, that all the witnesses



cited are interested or hearsay witnesses, and that there is material inconsistency between the contents of the FIR and the final report, particularly with regard to the alleged use of an aruval.

5. Grounds for quash:

(i)The dispute is purely civil in nature relating to alleged encroachment of Government land and has been improperly converted into a criminal prosecution.

(ii)Even if the allegations in the FIR and charge sheet are accepted in toto, the essential ingredients of Sections 296(b) and 351(2) BNS are not made out.

(iii)There are no specific overt acts attributed to the petitioner and the allegations are omnibus and vague.

(iv)Alleged encroachment of Government land can only be addressed under the Tamil Nadu Land Encroachment Act and through revenue proceedings.

(v)The alleged obscene words were not uttered in a public place nor is there any evidence of annoyance to the public.

(vi)There was no real or imminent threat intended to cause alarm so as to attract Section 351(2) BNS.



Crl.OP(MD)No.22079 of 2025

WEB COPY

(vii) The proceedings are vitiated by mala fides and personal animosity.

Submissions:

6. The learned counsel for the petitioner submitted that the occurrence is alleged to have taken place on 30.03.2025, whereas the complaint was lodged only on 18.05.2025, with absolutely no explanation for such delay. It was argued that delay assumes significance in a case of this nature, particularly when no injury is alleged and the dispute relates to land. It was further contended that the FIR refers to an alleged attempt to attack with an aruval, whereas the charge sheet completely omits such allegation, thereby exposing serious inconsistencies in the prosecution case. It was also submitted that the alleged utterance of words took place in front of the complainant's house and not in a public place, and that no independent witnesses have been cited to establish public annoyance or alarm.

7. The learned Government Advocate (Crl. side) opposed the petition contending that the petitioner and the co-accused attempted



to encroach upon Government land and that when the same was questioned by the *de facto* complainant, who is an adjacent land owner, they abused him with filthy language and threatened him with dire consequences. It was argued that mere delay in lodging the complaint cannot be a ground for quashing the proceedings at the threshold and that the allegations, if proved, would constitute the offences alleged.

8. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

9. The point that arises for consideration is whether the continuation of criminal proceedings in S.T.C. No.155 of 2025 against the petitioner would amount to an abuse of the process of law warranting interference under Section 528 BNSS.

Analysis:

10. The gravamen of the dispute between the parties revolves around alleged encroachment of Government poramboke land. Such



disputes are primarily within the jurisdiction of the revenue authorities and are governed by the provisions of the Tamil Nadu Land Encroachment Act, 1905. Criminal law cannot be permitted to be used as a tool to settle civil or revenue disputes.

11. To attract Section 296(b) BNS, mere utterance of obscene words is insufficient. The prosecution must establish that such words were uttered in or near a public place and that they caused annoyance to others. In the present case, the alleged occurrence is stated to have taken place in front of the complainant's premises and there is no material to show public presence or annoyance.

12. This Court, in **Alaguvel vs. State & Anr.**,¹ following **K. Jeyaramanuj v. Janakaraj**², has categorically held that mere utterance of obscene words without proof of annoyance to others would not attract Section 294(b) IPC. The said principle squarely applies to the case on hand. With regard to Section 351(2) BNS, the law mandates a real and imminent threat intended to cause alarm. The materials on record do not disclose any such threat. No injury

¹Crl.O.P. No.19048 of 2020 dated 29.06.2022

²(1996 (1) CTC 470)



Crl.OP(MD)No.22079 of 2025

has been caused and there is no indication that the alleged words resulted in alarm or fear. The unexplained delay of nearly two months in lodging the complaint further fortifies the contention that the criminal proceedings have been initiated as an afterthought to exert pressure in a land-related dispute.

13. In the considered opinion of this Court, permitting the prosecution to continue would amount to a clear abuse of the process of law.

14. For the foregoing reasons, this Criminal Original Petition is allowed. The proceedings in S.T.C. No.155 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Illuppur, Pudukkottai District, are hereby quashed insofar as the petitioner/Accused No.2 is concerned. Consequently, the connected miscellaneous petitions are closed.

15.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml



Crl.OP(MD)No.22079 of 2025

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- 1.The District Munsif cum
Judicial Magistrate, Illuppur,
Pudukkottai District,
- 2.TheInspector of Police,
Illuppur Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)No.22079 of 2025

L.VICTORIA GOWRI, J.

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CRL OP(MD)No.22079 of 2025

15.12.2025