



Crl.OP(MD)No.22201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.22201 of 2025

and

Crl.M.P.(MD)Nos.19114 and 19118 of 2025

1. Bibin @ Berjin Jeba Kumar,
2. Asir @ Asir Feroz,
3. Justin, ... Petitioners / Accused No.4,6,10

Vs.

1. The State Represented by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.82 of 2024) ... 1st Respondent / Complainant
2. Bindhu ... 2nd Respondent /
De facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in CC.No.357/2025 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District and quash the charge sheet as against the petitioner herein.



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For Petitioner : M/s. V.Muthulakshmi

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

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the criminal proceedings in C.C.No.357 of 2025, wherein the petitioners have been arrayed as accused for offences including obstruction of a public servant, use of obscene and abusive language, and criminal intimidation.

2. The petitioners, who are stated to be advocates by profession, seek to interdict the criminal proceedings at the threshold, contending that the allegations do not disclose the ingredients of the offences alleged.



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Case of the prosecution:

3. The case of the prosecution, as disclosed in the FIR and elaborated in the charge sheet, is that on 10.03.2024 at about 21.00 hours, when the *de facto* complainant, a Woman Head Constable (WHC No.1945), was entering the police station for performing her station duty, the accused persons wrongfully restrained her and obstructed her from entering the police station. It is further alleged that when the *de facto* complainant questioned the accused as to why she was being prevented from performing her official duties, the accused abused her in filthy, obscene, and degrading language. The charge sheet specifically mentions the obscene Tamil words allegedly uttered by the accused, which are stated to be vulgar in nature and intended to insult and humiliate the woman police official.

4. The prosecution further alleges that the accused criminally intimidated the *de facto* complainant by threatening her with dire consequences, including threat to life, thereby causing fear and alarm in her mind. On completion of investigation, the respondent police filed a charge sheet, which has been taken cognizance by the



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learned Judicial Magistrate No.II, Padmanabhapuram, in C.C.No.357
of 2025.

Grounds urged by the petitioners:

5. The petitioners contend that the allegations in the charge sheet do not attract the offences alleged and that the prosecution is motivated by malice. It is argued that the offence under Section 294(b) IPC is not attracted, as mere abusive language would not constitute obscenity, and that Section 506(i) IPC is also not made out, as the alleged threats are vague and not intended to cause alarm. The petitioners further submit that the matter ought to be tested only on the basis of legal ingredients and that continuation of the proceedings would amount to abuse of process of law.

6. The learned Government Advocate (Criminal Side) would submit that the charge sheet clearly discloses specific obscene and filthy words uttered by the accused, particularly directed against a woman police official while she was discharging her official duties. It is further submitted that the accused being advocates are expected to uphold the dignity of the law and that their alleged conduct, if



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proved, would amount to serious misconduct warranting a full-fledged trial.

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

Point for consideration:

8. The point that arises for consideration is whether the allegations contained in the charge sheet, particularly the use of specific obscene words, intimidation of a Woman Head Constable, and obstruction of official duty, warrant quashment of proceedings under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023?

Analysis:

9. The scope of inherent jurisdiction under Section 528 BNSS is well settled. At the stage of quashment, this Court is required to examine whether the allegations in the charge sheet, if taken at face value, disclose the commission of the offences alleged. This Court cannot conduct a mini trial or weigh the evidence. In the present



case, unlike a situation where the allegations are vague or general, the charge sheet specifically mentions the obscene and filthy Tamil words allegedly uttered by the accused. The words, as recorded in the charge sheet, are *prima facie* vulgar, sexually explicit, and degrading, especially when directed against a woman police official. Such utterances, if proved, would squarely fall within the ambit of Section 294(b) IPC.

10. The contention that mere abusive language would not amount to obscenity cannot be accepted at this stage, particularly when the charge sheet specifically records obscene expressions. Whether such words constitute obscenity and whether they caused annoyance are matters for trial and cannot be decided in a petition for quashment. With regard to the offence under Section 506(i) IPC, the allegations disclose a threat of death administered in the course of obstructing a public servant from performing official duty. The context, manner, and circumstances under which the threat was allegedly issued are sufficient, at least *prima facie*, to constitute criminal intimidation.



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11. The intention to cause alarm is a matter to be inferred from evidence and cannot be conclusively determined at this stage. The allegation of obstruction of a public servant, particularly a Woman Head Constable entering the police station for duty, cannot be lightly brushed aside. Any act that prevents a police officer from discharging official functions strikes at the very administration of law and order.

12. This Court finds it necessary to make certain observations, particularly in view of the admitted position that the petitioners are advocates by profession. Advocates occupy a noble position in the justice delivery system. They are officers of the Court and are expected to uphold the dignity of the legal profession, the rule of law, and the institutions administering justice. While an advocate is entitled to visit a police station for the limited purpose of assisting or representing a client in accordance with law, the police station is not a place of legal practice. The primary and legitimate arena of advocacy is the Court of law, where advocates represent the voiceless litigant and assist the Court in the administration of justice.



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13. Practising intimidation, obstruction, or aggressive assertion of authority inside a police station, particularly against a woman police official performing her duty, is wholly inconsistent with the ethical standards expected of members of the Bar. Any tendency on the part of advocates to convert police stations into arenas of influence or confrontation deserves serious disapproval. Such conduct, if established, not only attracts penal consequences but also undermines public confidence in the legal profession. The conduct alleged in the present case, therefore, cannot be trivialised on the ground of professional status. On the contrary, the professional standing of the petitioners imposes a higher degree of responsibility and restraint.

14. This Court is of the considered view that the allegations in the charge sheet disclose *prima facie* commission of the offences alleged. The materials on record do not justify interference under Section 528 BNSS. The issues raised by the petitioners involve disputed questions of fact and appreciation of evidence, which can be adjudicated only during trial.



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15. The inherent jurisdiction of this Court is meant to prevent miscarriage of justice, not to stifle legitimate prosecution at the threshold. In the present case, the prosecution cannot be said to be frivolous or vexatious.

16. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions seeking stay of proceedings and dispensation of personal appearance are also dismissed. The learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District, is directed to proceed with the trial in C.C.No.357 of 2025 and dispose of the same in accordance with law, as expeditiously as possible.

15.12.2025

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



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To

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- 1.The Judicial Magistrate No.II,
Padmanabhapuram,
Kanyakumari District.
- 2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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