



Crl.O.P.(MD)No.22843 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.22843 of 2024

and

Crl.M.P.(MD).No.14321 of 2024

1.Julien Jo

2.Clara Jansirani

... Petitioners/Accused 1 & 2

Vs.

1.The State of Tamil Nadu Rep. by,
The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
(Crime No. 217/2024)

... 1st Respondent/Complainant

2.Arokiasamy

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in C.C.No.157 of 2024 on the file of the learned Judicial Magistrate Court, Keeranur, Pudukottai District and quash the same as against the petitioners.

For Petitioners : Mr.S.Mahendra Pathy

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R-2 : Mr.S.Muniyandi



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ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in C.C.No.157 of 2024 on the file of the learned Judicial Magistrate Court, Keeranur, Pudukottai District, which was filed for the offences under Section 325, 296(b) and 351(3) of BNS, 2023.

2. The allegation in the final report is that at the instigation of the second petitioner, the first petitioner had caused injury on the leg of the calf belonging to the defacto complainant; that the petitioners had abused the defacto complainant in filthy language and had also threatened him of dire consequences.

3. The learned counsel for the petitioners would submit that the allegations would not attract the offence under Section 325 of BNS (corresponding to Section 428 of IPC) as there is nothing to suggest that the animal was rendered useless by the above act; that the act of the petitioners would be squarely covered under Section 95 of IPC; that the other offences under Section 296(b) and 351(3) of BNS are not made out on the allegations and prayed for quashing of the final report.



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4. The learned counsel for the second respondent would submit that the calf was injured seriously and also produced photographs of the calf. He would further submit that even after the above said occurrence, the petitioners have been threatening the defacto complainant of dire consequences; and that hence, the impugned prosecution may not be quashed.

5. Heard the learned Additional Public Prosecutor appearing for the first respondent.

6. The offences under Section 296(b) and 351(3) of BNS are not made out on the allegations as apart from the allegation that the petitioner had abused the defacto complainant in filthy language, there is nothing to suggest that the petitioners had uttered any obscene words or committed any obscene act to attract the offence under Section 296(b) of BNS. The threat said to have been made by the petitioners also does not appear to be real.

7. 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



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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."

8. Similarly, to attract the offence under Section 351(3) of BNS (corresponding to Section 506(2) 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.”

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

9. As regards the offence under Section 325 of BNS (corresponding to Section 428 of IPC), it is seen that the calf was injured in the leg. This Court had also perused the photographs. There is nothing in the allegations and in the photographs to suggest that the animal was rendered useless. Though the act of the petitioners is inappropriate, this Court, in the facts and circumstances of the case, is of the view that the harm caused by the petitioners is slight and therefore, the petitioners would be entitled to benefit under Section 95 of IPC. However, this Court is of the view that the petitioners can be directed to pay compensation of Rs.25,000/- to the defacto complainant. The petitioners shall also file an affidavit before the Trial Court that they would not indulge in any such activities or interfere with the affairs of the defacto complainant in future, within a period of two (2) weeks from the date of receipt of a copy of this order. It is needless to say that if the second respondent establishes in future that the petitioners have violated the undertaking, it is open to the second respondent to seek action for perjury besides prosecution.



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10. Accordingly, the impugned final report in C.C.No.157 of 2024 on the file of the learned Judicial Magistrate Court, Keeranur, Pudukottai District is quashed and this Criminal Original Petition is allowed. The petitioners shall pay compensation of Rs.25,000/- (Rupees Twenty Five Thousand only) to the second respondent and also file an affidavit before the Trial Court that they would not indulge in any such activities or interfere with the affairs of the defacto complainant in future, within a period of two (2) weeks from the date of receipt of a copy of this order. If the petitioners fail to comply with the above directions, the order passed by this Court shall stand vacated without further reference to this Court. Consequently, connected miscellaneous petition is closed.

06.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Judicial Magistrate Court,
Keeranur, Pudukottai District.
- 2.The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

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SUNDER MOHAN, J.

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