



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APL] NO. 449 OF 2024

APPLICANT : Chandrakumar @ Lappi Madhusudhan Jajodiya,
Aged about 64 years, Occu. Business,
R/o Sharda Nagar, Amravati

VERSUS

NON-APPLICANTS : 1] The State of Maharashtra,
through Police Station Officer,
Police Station, Frezarpura,
Amravati.

2] Ashok Gopal Dongre,
Aged about 68 years, Occu. Not known,
R/o Wadali, Amravati, Frezarpura,
Amravati, Maharashtra.

Mr. Sunil Manohar, Senior Advocate assisted by Mr. K. P. Mahalle,
Advocate for the applicant.

Mr. H. D. Futane, A.P.P. for non-applicant no.1/State

Mr. C. A. Babrekar, Advocate for non-applicant no.2.

CORAM : M. W. CHANDWANI, J.

DATED : JUNE 10, 2026

ORAL JUDGMENT:

1. Heard. **ADMIT.** Taken up for final disposal forthwith by
consent of the learned counsels appearing for the respective parties.

2. By this application filed under Section 482 of the Code
of Criminal Procedure, 1973 (for short “the Cr.P.C.”), the applicant

seeks quashment of Chargesheet bearing No. 176/2022 dated 04.06.2022 arising out of First Information Report (FIR) bearing Crime No. 1459/2021 dated 20.07.2021 registered with Police Station, Frezarpura, Amravati for the offences punishable under Sections 294, 506 of the Indian Penal Code, 1860.

3. Law machinery was set into motion upon lodging of the FIR by the complainant/non-applicant no.2 alleging that on the date of the incident i.e. on 20.07.2021, the applicant along with an unknown boy visited the shop of the complainant. On enquiry by the complainant about the reason for their visit, the applicant told him that he wants to discuss the matter pertaining to the land belonging to the Wadali Sansthan. The complainant told the applicant that a court case is pending with regard to that land and he does not wish to discuss anything more on the said topic. Thereupon, the applicant allegedly abused the complainant in the name of his mother and also threatened him of having to face dire consequences if the complainant fails to vacate the land in question. The alleged incident was witnessed by two persons, whose statements have also been recorded by the police. On completion of the investigation, the FIR culminated into filing of the chargesheet against the applicant.

4. I have heard Mr. Sunil Manohar, learned Senior Advocate assisted by Mr. K.P. Mahalle, learned counsel appearing on behalf of the applicant, Mr. H.D. Futane, learned Additional Public Prosecutor appearing for non-applicant no.1/State and Mr. C. A. Babrekar, learned counsel appearing for non-applicant no.2. Perused the chargesheet.

5. Mr. Manohar, learned Senior Counsel submitted that if the contents of the FIR as well as the statements of the witnesses are read together, they do not constitute any offence under Section 294 or 506 of the IPC as alleged by the prosecution. It is contended that the statements of the witnesses were recorded belatedly and there are material contradictions in the statements of two eye-witnesses. Learned Senior Counsel further contended that the alleged act of uttering abusive words does not amount to obscenity within the meaning of Section 294(b) of the IPC. According to him, mere utterance of obscene words is not sufficient to constitute an offence under Section 294 of the IPC unless the prosecution establishes that such utterance caused annoyance to others. He further contended that even under Section 506 of the IPC, no offence is made out against the applicant, since the material does not disclose that there was any intention on the part of the

applicant to insult the complainant, thereby provoking him to breach peace. The applicant did not intentionally insult the complainant knowing it to be likely that the complainant may be provoked so as to cause breach of public peace or to commit any other offence.

6. To buttress his submission, the learned Senior Counsel seeks to rely on the decisions of this Court (Nagpur Bench) in the case of *Jagannath Vs. State of Maharashtra and another*, reported at *2024 SCC Online Bom 5773* ; as well as the case of *Pravin Sudhakar Jade Vs. State of Maharashtra and another* in *Criminal Application (APL) No. 364 of 2025*, decided on 03.10.2025.

7. Per contra, Mr. Babrekar, learned counsel for non-applicant no.2 contended that there are specific allegations against the applicant of having used abusive language against the complainant and also threatened him of dire consequences, if he fails to vacate the land which the applicant had allegedly purchased from the tenants of the Wadali Sansthan. According to him, the contradictions in the statements of the eye-witnesses is a matter of trial and cannot be gone into at this stage. Therefore, he sought rejection of the application.

8. Mr. Futane, learned A.P.P. supported the submissions of the learned counsel for non-applicant no.2.

9. Before proceeding to deal with the submissions of the parties, it would be appropriate to reproduce the Sections with which the applicant is charged, which read as under :

294. Obscene acts and songs.—

Whoever, to the annoyance of others—

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

506. Punishment for criminal intimidation.—

Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or [imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

10. It appears from the reading of Section 294 of the IPC that if any person does any obscene act in any public place or sings,

recites or utters any obscene song, ballad or words in or near any public place, which causes annoyance to others, he will be guilty of the offence. The test of obscenity has been explained in the decision of the Hon'ble Supreme Court in the case of ***N.S. Madhanagopal and another Vs. K. Lalitha***, reported in ***(2022) 17 SCC 818***, wherein it has been observed that the test of obscenity is the substantial tendency to corrupt those minds which are open to such immoral influences. This test has been followed in India and is recognized by the Hon'ble Supreme Court way back in the year 1964 in the decision in the case of ***Ranjit D. Udeshi Vs. State of Maharashtra (1964 SCC Online SC 52)*** by observing that the test of obscenity is whether the matter has the substantial tendency to corrupt those minds which are open to such immoral influences, by arousing lustful desires, which corrupt thoughts.

11. It will be appropriate to make a reference to the another decision of the Hon'ble Supreme Court in the case of ***Om Prakash Ambadkar Vs. The State of Maharashtra and others [(2026) 2 SCC 622]***, wherein it has been observed that 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) of the IPC. Mere abusive, humiliating or defamative

words by itself cannot attract an offence under Section 294(b) of the IPC. The Supreme Court has observed that mere utterance of obscene words is not sufficient, there must be further proof to establish that it caused annoyance to others.

12. Here, in the present case, except the allegation of uttering abusive and filthy language, there is no other allegation of obscenity by virtue of which the applicant corrupted the mind of the complainant to such immoral influences. Besides that, the applicant merely used abusive language, there is nothing on record to suggest that caused annoyance to anybody. Therefore, it is difficult to hold that there exists *prima facie* material against the applicant to attract the offence under Section 294 of the IPC.

13. So far as the offence punishable under Section 506 of the IPC is concerned, the material on record *prima facie* discloses the allegations that the applicant threatened the complainant of dire consequences in the event of his failure to vacate the land in question. However, it is pertinent to note that the said offence is non-cognizable in nature and, therefore, the police could not have undertaken an investigation without obtaining a prior order from the jurisdictional Magistrate as contemplated under Section 155(2)

of the Cr.P.C. Once the offence under Section 294 of the IPC is excluded, the FIR does not *prima facie* disclose any other cognizable offence. The case of the applicant is covered by Clause (4) of the decision of the Hon'ble Supreme Court in the case of ***State of Haryana Vs. Bhajanlal*** reported at (1992) Supp (1) SCC 335, wherein it has been observed that where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Cr.P.C., the High Court can exercise the extraordinary power to quash FIR. Therefore, without adverting to further details, I am of the view that continuation of prosecution against the applicant would be nothing but an abuse of the process of law. Therefore, the application deserves to be allowed. Hence, this order :

14. The Criminal Application is allowed.

15. The FIR bearing Crime No. 1459/2021 registered with Police Station, Frezarpura, Amravati for the offences punishable under Sections 294, 506 of the Indian Penal Code, 1860, is quashed. Consequently, subsequent proceeding i.e. Chargesheet/

final report bearing No. 176/2022 is also quashed.

16. The application stands disposed of.

(M.W.Chandwani,J.)

Diwale