



Judgment

13 apl701.24

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

CRIMINAL APPLICATION APL NO.701/2024

Umesh s/o Vishnu Dhawade,
aged about 40 years,
occupation- service,
r/o plot No.106, Chandrika Nagar-2,
Besa Road, Manewada, Nagpur. **Applicant.**

:: VERSUS ::

1. State of Maharashtra, through its
Police Station Officer, Police Station
Tiwasa, tahsil Tiosa, district
Amravati.

2. Sou.Kunda w/o Tukaram Patil Pai,
aged about 47 years, occupation-
agriculturist, r/o karajgaon, tahsil
Tiosa, district Amravati. **Non-applicants.**

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Shri A.D.Dangore, Counsel for the Applicant.
Mrs.R.V.Sharma, APP for NA No.1/State.
None for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **27/03/2026**

ORAL JUDGMENT

1. Heard learned counsel for the applicant and learned
APP for the State. Despite service, none appears for non-
applicant No.2. **Admit.** Heard finally by consent.

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2. By this application, the applicant is seeking quashing of FIR in connection with Crime No. 484/2023 registered with non-applicant No.1 police station for offences under Sections 294, 504, and 506 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.9/2024.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that she is agriculturist and having way to approach to her agricultural field from agricultural field of the present applicant and one Gokul Bambal. On 6.12.2023, when she was proceeding from the agricultural field towards her house, she was abused by the present applicant as she has used way from his agricultural field and also threatened her.

On the basis of the said report, the police have registered the crime against the present applicant.

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4. After registration of the crime, the investigation started rotating. During the investigation, the Investigating Officer has recorded relevant statements of witnesses and after completion of the investigation, submitted chargesheet against the present applicant.

5. Learned counsel for the applicant submitted except abuses, there is nothing on record to show that due to utterance of words by the applicant, there was any annoyance to the complainant. He submitted that even accepting allegations as it is, no offences under Sections 294 and 506 of the IPC are made out as ingredients of the offence are not made out. In view of that, the application deserves to be allowed.

6. Per contra, learned APP for the State strongly opposed the said contentions on the ground that statements of witnesses recorded during the investigation substantiate

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allegations levelled by the complainant and, therefore, the application deserves to be rejected.

7. On hearing both sides and perusing recital of the FIR and the entire investigation papers, it reveals that only allegation is that there was a dispute on account of using way from the agricultural field of the present applicant and on that count, the applicant alleged to have been abused the complainant.

8. Now, this aspect is well settled by the decision of the Hon'ble Apex court in the case of **Om Prakash Ambadkar vs. State of Maharashtra, reported in MANU/SC/0134/2025** wherein it is observed that, "insofar as Section 294 of the IPC is concerned, this court in **N.S. Madhanagopal and anr vs. K.Lalitha, reported in (2022), 17 SCC 818** has explained the true purport and scope of Section 294" and it is observed that, "it has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing

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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.”

It is further observed that, “mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case”.

9. No one has spoken about the “obscene” words and due to that, the complainant felt annoyed and in the absence of legal evidence to show that the words uttered by the applicant annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of the IPC are made out.

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10. Here, in the present case, except abusive language, there is no allegation. At the most, as observed earlier, it could be abusive language and that is not sufficient to attract the offence under Section 294 of the IPC.

11. The offences under Sections 504 and 506 of the IPC are also not made out as no specific narration is by the complainant regarding threatening by the present applicant.

12. In this view of the matter, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) FIR in connection with Crime No. 484/2023 registered with non-applicant No.1 police station for offences under Sections 294, 504, and 506 of the IPC and consequent proceeding arising out of the same bearing chargesheet

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No.9/2024 are hereby quashed and set aside to the extent of present applicant Umesh s/o Vishnu Dhawade.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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