



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

CRIMINAL APPLICATION (APL) NO. 1327 OF 2025

APPLICANT :

(Ori. Accused No.1.)

Narayan s/o Uttam Sidam,
Aged about : 47 years,
Occupation – Labourer,
R/o Gondwakdi, Tq. Padarkawada,
Dist. Yavatmal.

V E R S U S

NON-APPLICANTS :

(Orig. Complainant)

1. State of Maharashtra
Through P. S. O. Pandarkawda,
Tq. Pandarkawda,
Dist. Yavatmal.
2. Kamalbai Laxman Pendor,
Aged about 50 years,
Occ – Labourer, R/o Indira Nagar,
Pandarkawda, Tq. Kelapur,
Dist. Yavatmal.

Shri A. B. Mirza, Advocate for applicant.

Ms. M. A. Barabde, Additional Public Prosecutor for non-applicant No.1.

CORAM: URMILA JOSHI-PHALKE, J.
DATED : 20/02/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. Despite service of notice, none appears for non-
applicant No.2.

3. A crime is registered on the basis of report lodged by Kamalbai Laxman Pendor on an allegation that on 30/07/2024 at 12.30 p.m. when she was working along with the other ladies in the agricultural field, at that time, present applicant came there and abused her as well as other ladies in obscene language. On the basis of the said report, police have registered a crime.

4. Heard learned counsel for the applicant who submitted that on perusal of the entire investigation papers and entire charge sheet, it reveals that only allegation is that they have abused in a filthy language, merely abuses are not sufficient to attract the offence punishable under Section 294, the offence under Section 351(3) i.e. Section 504 is also not made out. In view of that, application deserves to be allowed.

5. Per contra, learned APP for the State strongly opposed the said contention and submitted that considering the nature of abuses which are uttered by the present applicant sufficiently attracts Section 296 of the BNSS, 2023. In view of that, application deserves to be rejected.

6. After hearing both the sides and on perusal of the entire investigation papers only allegation against the present applicant

is that he has abused in a filthy language. Section 294 of the IPC and Section 296 of the BNSS deals with obscene acts and songs especially the clause (b) of the said Section deals with any person to the annoyance of the others - 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.

7. In the light of the above definition given under Section 294, if the allegation is taken into consideration, only allegation is that he has abused in a filthy language. This aspect is considered by the Hon'ble Apex Court in the case of **Om Prakash Ambadkar Vrs. The State of Maharashtra and others**, reported in **Manu/SC/0134/2025** wherein it is observed that in so far as Section 294 of the IPC is concerned, this Court in **N. S. Madan Gopal and another Vrs. K. Lalita**, reported in **(2022) 17 SCC 18** has explained true purport and scope of Section 294. It is further observed that it has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feeling or word cannot attract the offence under Section 294(b) of IPC. None of the record discloses the alleged words 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 defamatory word by itself cannot attract the offence punishable under Section 294(b) of the IPC.

8. In view of the above observations in the present case also, except the abuses, there is nothing on record to show that any obscene act was committed by the applicant as far as offence punishable under Section 351(3) of the BNSS is concerned which is also not attracted. In view of the definition of criminal intimidation whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do is not attracted.

9. Thus, considering the allegations levelled against the present applicant except the abusive language and in absence of legal terms to show that words used by the present applicant was sufficient for the annoyance of the others is absent. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] The FIR in connection with Crime No.883/2024 registered under Sections 296 and 351(3) of the BNSS, 2023 and consequent proceeding arising out of same bearing RCC No.02/2025 is hereby quashed and set aside to the extent of present applicant.

10. The application is disposed of.

[JUDGE]