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Crl.O.P.No.8205 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8205 of 2023

1.C.Ranjith Kumar
2.V.Senthil Kumar

... Petitioners

Vs.

1.The State Rep. By its
Inspector of Police,
C-4, Veeranam Police Station,
Salem City,
Salem,
Tamilnadu

2.Kannan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records in Crime No.114 of 2022 and CC.No.890
of 2022 on the file of the 1st Respondent Police and to quash the same.

For Petitioners : Mr.L.K.Charles Alexander

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)

For R2 : No appearance

ORDER

This criminal original petition has been filed praying to



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quash the proceedings in Crime No.114 of 2022 and CC.No.890 of 2022
on the file of the 1st Respondent Police

2. The case of the prosecution is that the second respondent went to the house of the second accused where he was beaten by both the accused by PVC pipe since they had previous enmity due to temple festival celebration. When the daughter of the second respondent attempted to prevent the assault, she was pushed down by the accused on stones. Therefore, both sustained injuries. Hence, the complaint. On the said complaint, the first respondent registered FIR in crime No.114 of 2022 for the offence punishable under Sections 294(b), 324 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. On filing charge sheet, it was taken cognizance by the trial court in CC.No.890 of 2022 on the file of the Additional Mahila Court, Salem.

3. The learned counsel appearing for the petitioners would submit that the second respondent was under the influence of alcohol and came to the house of the second petitioner and questioned about the temple festival celebration. The second respondent had taken PVC pipe and attacked the second petitioner herein. Thereafter, there was push and pull between both the groups. Therefore, the second respondent only



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provoked the accused to quarrel with him. Further, they sustained only simple injuries. In fact, the petitioners also lodged complaint and the same was registered by the first respondent in crime No.115 of 2022. Unfortunately, without conducting proper investigation, the first respondent closed the FIR as mistake of fact.

4. The learned Government Advocate(crl.side) appearing for the first respondent submitted that there are specific overt act as against the petitioners. In fact, the second respondent and other injured were taken to hospital and accident register was recorded. As per the accident register, both were attacked by the accused and as such, there are specific allegations as against the petitioners to attract the offences under Sections 294(b), 324 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Therefore, he vehemently opposed this criminal original petition.

5. Heard, the learned counsel for the petitioners, learned Government Advocate(crl.side) appearing for the first respondent and perused all the materials placed before this Court.

6. There are totally two accused, in which the petitioners are



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arrayed as A1 and A2. All are close relatives. Admittedly, the second respondent went to the house of the petitioners and he attempted to attack the petitioners herein by taking PVC pipe. In order to prevent the same, both the accused attacked the second respondent by the very same PVC pipe. When the daughter of the second respondent attempted to prevent the quarrel, she was pushed down by the petitioners. Therefore, she also sustained simple injury. Though both were taken to hospital, both were treated as out patient and accident register was recorded as if they sustained simple injury. Further, the second respondent was under the influence of alcohol and he went to the house of the second respondent and attempted to attack them. Therefore, the second respondent only provoked the accused to quarrel with him. When the second respondent attacked the petitioners, the petitioners captured the very same pipe and assaulted the second respondent. On the complaint lodged by the petitioners, the first respondent registered FIR in crime No.115 of 2022. However, it was closed as mistake of fact. Therefore, there is no specific averment against the petitioners to attract the offences under Sections 294(b), 324 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

7. Further, to attract the offences under Section 294(b) of IPC,



there must be an uttering of words to affect the person who lodged the complaint. In this regard it is relevant to extract the Section 294(b) of IPC, as follows :-

*"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."*

8. Admittedly, there is absolutely no words uttered by the petitioners as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show that on hearing the obscene words, which were allegedly uttered by the petitioners, the witnesses felt annoyed. 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 petitioners annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which



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held as follows :-

"To prove the offence under Section 294 of IPC 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."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioners.

9. In view of the above discussion, the entire proceedings in CC.No.890 of 2022 on the file of the Additional Mahila Court, Salem is quashed and this criminal original petition is allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To
WEB COPY

- 1.Additional Mahila Court, Salem
- 2.Inspector of Police,
C-4, Veeranam Police Station,
Salem City,
Salem,
Tamilnadu



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G.K.ILANTHIRAIYAN, J.

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