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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 16881 of 2026

CNR:{HCMA011408582026}

AND CRL MP NOS.11200 & 11199 OF 2026

K.Ezhumalai
S/o. Kuppan,
No.5/72-187A, Palla Colony,
Meyyur Village and Post,
Uthukottai Taluk,
Thiruvallur and District.

..Petitioner(s)

Vs

1. State -The Inspector of Police
   Periyapalayam Police Station,
   Thiruvallur District.

2. Mr. Mathan Kumar
   S/o. Poongavanam,
   Palla Colony,
   Meyyur Village and Post,
   Uthukottai Taluk,
   Thiruvallur and District.

..Respondent(s)

PRAYER: Criminal Original Petitions are filed under Section 528 of BNSS, praying to call for the records pertaining to the charge sheet in CC No.89 of 2025 on the file the learned District Munsif Cum Judicial Magistrate Uthukottai, Thiruvallur District and quash the same is concerned and pass such further or other orders as this Honorable Court.

For Petitioner(s): Mr.S.Suresh for Mr.M.P.Saravanan

For Respondent(s): Mr.A.Amarnath,
Additional Public Prosecutor for R1

R2- Notice served – No appearance for R2

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This Criminal Original Petition has been filed seeking to call for the records pertaining to the charge sheet in C.C. No. 89 of 2025, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, and to quash the same.

2.Though notice was served on the second respondent, he has not appeared either in person or through counsel.

3.The case of the prosecution is that, on 31.03.2023, the defacto complainant lodged a complaint with the respondent police, stating that he had been practising as an Advocate before the Uthukottai Court for several years. On 29.03.2023, the defacto complainant had lodged a complaint against the accused, K.Ezgynakaum before the District Collector, Tiruvallur, and the Joint Registrar of Cooperative Societies. Aggrieved by the said action, the accused allegedly confronted the defacto complainant on the following day. On 30.03.2023, at about 6.30 a.m., while the defacto complainant was reading a newspaper and drinking tea at Sarath Tea Stall in his village, the said accused allegedly approached him in an aggressive manner, abused him in obscene language and questioned his credentials as an Advocate. The accused further allegedly threatened to take the defacto complainant's life, stating that, since he

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had lodged a complaint before the District Collector and the Joint Registrar of Cooperative Societies, he would engage persons to murder him. The accused also allegedly threatened to kill him in the same manner as the Advocate who was murdered at Saidapet. Upon hearing the commotion and the alleged threats, several persons from the neighbourhood and the bystanders present at the tea stall intervened and rescued the defacto complainant. Based on the complaint, the respondent police registered an FIR in Crime No. 237 of 2023 on 31.03.2023 for the offences punishable under Sections 294(b) and 506(ii) of the Indian Penal Code. Upon completion of the investigation, the respondent police filed the final report for the aforesaid offences, and the same was taken on file as C.C. No. 89 of 2025 by the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District.

3.Heard the learned counsel appearing on either side and perused the materials placed on record.

4.Upon perusal of the entire records, this Court finds that the allegations do not prima facie satisfy the essential ingredients of the offences alleged. To attract the offence under Section 294(b) of the Indian Penal Code, the prosecution must establish that obscene words were uttered in or near a public place, causing annoyance to others. However, on perusal of the statements recorded during the investigation, this Court finds that the specific obscene

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words allegedly uttered by the accused have not been clearly set out. Further, the materials on record do not establish that the alleged utterances caused annoyance to any person present at the place of occurrence. In the absence of such materials, the essential ingredients of the offence under Section 294(b) of the Indian Penal Code are not made out.

5.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."*

6.Admittedly, there is absolutely no words uttered by the petitioner 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 petitioner, 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 petitioner annoyed others, it cannot be said that the ingredients of the offence under

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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 held as follows :-

> *"To prove the offence under Section 294 of IPC mere utterance of obscence 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.

7.Insofar as the offence under Section 506(i) of I.P.C is concerned, to attract the offence, threat and intention to cause an alarm are main ingredients. The third ingredient is that the intention must be to cause any person to do any act which he is not legally bound to do or to omit to do any act which that person is legally entitled to do, subsequent to the main ingredients. Whereas in the case on hand, even according to the case of the prosecution, the alleged threats issued by the petitioner were only empty threats and they had no effect on the complainant.

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8.In this regard, It is relevant to rely upon the judgment of this Court made in ***Crl.O.P.(MD)No.11030 of 2014*** in the case of ***Abdul Agis Vs. State through the Inspector of Police***, which reads as follows:-

> *"7.It is seen from the statements recorded under Section 161(3) of Cr.P.C. of the second respondent/ defacto complainant that it does not contain any obscene words, which were uttered by the petitioner herein and the entire allegations are very simple in nature. It is also seen from the statement of one Uthami, that the petitioner threatened the defacto complainant with dire consequences when he dashed the defacto complainant. The entire allegations are trivial in nature. Further, to attract the offence under Section 506(i) of I.P.C., there was a threatening only by words. As pointed by the learned counsel appearing for the petitioner, the threat should be a real one and not just a mere word when the petition uttering does not exactly mean what he says and also when the person to whom threat is launched does not feel threatened actually. Therefore, the offences under Sections 294(b) and 506(i) of I.P.C. are not made out as against the petitioner herein and also the entire criminal proceedings is clear an abuse of process of Court. Therefore, this Court is inclined to quash the entire proceedings."*

9.In this regard, it is relevant to extract the judgement reported in ***(1992) SCC Crl. 426*** in the case of ***Bajanlal v. State of Haryana,*** wherein the Hon'ble Supreme Court of India has listed out the following category of case in which the criminal proceedings can be quashed using the inherent jurisdiction of the High Court under Section 482 Cr.P.C.:

> *"102.....*
>
> .....
>
> *7. Where a criminal proceeding is manifestly attended with malafide and/or where the*

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proceedings is maliciously instituted with an ulterior motive for wrecking vengeance on the accused and with a view to spite him due to private and personal grudge."

Therefore, the impugned complaint is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

10.In view of the foregoing, this Court is of the view that the continuation of the criminal proceedings against the petitioner is unwarranted. Accordingly, this Criminal Original Petition is allowed, and the proceedings in C.C. No. 89 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Uthukottai, Tiruvallur District, are quashed. Consequently, the connected miscellaneous petitions are closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AH

To

1.The District Munsif-cum-Judicial Magistrate,
Uthukottai, Thiruvallur District.

2.The Inspector of Police
Periyapalayam Police Station,
Thiruvallur District.

3.The Public Prosecutor, High Court, Madras.

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