WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2026

CORAM:

THE HONOURABLE JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 28961 of 2026
and
Crl.M.P. No. 19322 of 2026

Case QR

CNR: {HCMA012249562026}

Selvam
S/o Elumalai,
No.217, Mariyaman Koil Street,
Nalmukkal, Kilsirivi,
Villupuram District-604301.

..Petitioner(s)

Vs

1. The State Rep. by, The Inspector of Police
   Brammadesam Police Station,
   Villupuram District.
   Crime No.82 of 2026.

2. Paramasivam
   S/o Ganesan,
   No.238, Mariyamman Koil,
   Sokkathangal, Marakkanam Taluk,
   Villupuram District-604301.

..Respondent(s)

PRAYER: To call for the records and quash the FIR in Cr.No.82 of 2026 dt.14.05.2026 on the file of the Inspector of Police, Brammadesam Police Station,Villupuram District and thus render justice.

For Petitioner(s): T.S.Srinivasan
G.S.Mahesh
P.Veera Narayana

https://www.mhc.tn.gov.in/judis

WEB COPY

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

Mr.R.Raghul for R2.

O R D E R

This petition has been filed to quash the FIR in Cr.No.82 of 2026 dated 14.05.2026 on the file of the first respondent.

2.Heard the learned counsel on either side and perused the materials available on record.

3.Initially on the complaint lodged by the second respondent, the first respondent did not conduct any enquiry. Therefore, the second respondent approached the Judicial Magistrate-II, Tindivanam and the learned Judicial Magistrate-II, by order in C.M.P. No.185 of 2026 has directed the first respondent to register a case. As directed, the first respondent has registered a case in Crime No.82 of 2026 for the offences punishable under Sections 296(b), 324(1) and 351(2) of BNS alleging that on 13.12.2025, by 10 a.m., the accused came to the defacto complainant's house and destroyed the barbed wire fence in and around the land by using tractor and when it was questioned by the defacto

https://www.mhc.tn.gov.in/judis

WEB COPY

complainant, the accused abused the defacto complainant with filthy language and threatened him with dire consequences.

4.On perusal of the records, it is revealed that the accused lodged complaint before the first respondent on 19.06.2019. However, no action has been taken and hence, he was constrained to submit a representation before the District Collector on 06.08.2025 alleging that the defacto complainant erected fence surrounding the land of the accused and pressurized him to sell his land. Further, the second respondent has destroyed the electricity plant of the accused. The accused has also filed a suit in O.S. No. 81 of 2025 on the file of the District Munsif Court, Tindivanam seeking easement rights in order to transport the goods.

5.Therefore, in order to escape from the clutches of law, the defacto complainant lodged the complaint as against the accused with the above said allegations. Even assuming that the allegations are true, there is absolutely no words uttered by the petitioner as such to constitute the offence under Section 296(b) of BNS and 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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 Section 296(b) of BNS 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 296(b) of BNS is not at all attracted as against the petitioners.

6. Insofar as the offence under Section 351(2) of BNS 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 defacto complainant.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. 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."*

8. 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.:

https://www.mhc.tn.gov.in/judis

WEB COPY

"102.....

.....

7. Where a criminal proceeding is manifestly attended with malafide and/or where the 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 FIR is nothing but clear abuse of process of law and it cannot be sustained as against the petitioner.

9.Accordingly, this petition is allowed and the FIR in Crime No.82 of 2026 on the file of first respondent is hereby quashed. No costs. Consequently, connected miscellaneous petition is closed.

17-11-2026

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

ay

To

1.The Inspector of Police,
Brammadesam Police Station,
Villupuram district.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K. ILANTHIRAIYAN, J

ay

CRL OP No. 28961 of 2026
and
Crl.M.P. No. 19322 of 2026

17.11.2026

https://www.mhc.tn.gov.in/judis