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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32562 of 2026

CNR:{HCMA012651242026}

AND CRL MP Nos.21438 & 21440 OF 2026

Case QR

N.Krishnamoorthi
S/o Narayanasamy,
Residing at
No.76, Rajiv Gandhi Street,
Lakshmi Nagar, Maduravoyal,
Chennai.

..Petitioner(s)

Vs

1. The State represent by
   The Inspector of Police,
   Poonamalle Police Station,
   Avadi District.

2. Ravikumar,
   S/o Chandran,
   Residng at
   No.11/64, Periyar Nagar, 1st Street,
   Senneerkuppam, Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records pertaining to the proceedings in C.C.No.307 of 2023 pending on the Judicial Magistrate No.II, Poonamallee and quash the same in so far as the petitioners are concerned.

For Petitioner(s): Mr.S.Sathish Rajan

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor For R1

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Order

This criminal original petition has been filed to quash the proceedings in C.C.No.307 of 2023, pending on the file of the learned Judicial Magistrate No. II, Poonamallee, insofar as the petitioner is concerned.

2.The case of the prosecution is that the de facto complainant was running a business under the name and style of Murugan Stores at Periyar Nagar, Senneerkuppam, and had placed orders with the petitioner for phenol, brooms and other articles. As the quoted price was high, the complainant cancelled the order. Aggrieved by the cancellation, the petitioner allegedly contacted the complainant over the phone and quarrelled with him. Thereafter, at about 11.00 a.m. on the same day, the petitioner allegedly trespassed into the complainant's shop, abused him in filthy language and criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the prosecution case is false and fabricated. According to him, the de facto complainant, who had placed the order, refused to receive the goods upon delivery. When questioned, the complainant allegedly abused and assaulted the petitioner with an iron rod, causing injuries to his left hand and right leg. Consequently, the petitioner was admitted to Poonamallee Government Hospital, where he

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received 11 sutures. It was further submitted that, while the petitioner was undergoing treatment, the defacto complainant lodged a false complaint alleging criminal intimidation, based on which the first respondent registered an FIR under Sections 441, 294(b) and 506(1) IPC, which was subsequently altered to Sections 441 and 294(b) IPC. On the same day, at about 1.15 p.m., the petitioner lodged a counter-complaint against the second respondent, based on which an FIR was registered in Crime No.635 of 2022 for the offences punishable under Sections 294(b), 324 and 506(2) IPC. Upon completion of the investigation in the complaint lodged by the second respondent, the first respondent filed the final report before the learned Judicial Magistrate No.II, Poonamallee, which was taken cognizance of in C.C.No.307 of 2023. Similarly, pursuant to the counter-complaint lodged by the petitioner, the first respondent filed the final report before the learned Judicial Magistrate No.II, Poonamallee, which was taken cognizance of by the same Court in C.C.No.308 of 2023.

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

5.On perusal of the materials, it is seen that the allegations arise out of a trivial dispute between the parties, during which some of the accused sustained simple injuries. Considering the nature of the dispute and the circumstances

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surrounding the occurrence, this Court is of the view that the continuation of the criminal proceedings would serve no useful purpose.

6.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."*

7.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 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 :-

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"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.

8.*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.*

9.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

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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."

10.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.:

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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 proceedings cannot be sustained against the petitioner and the same is liable to be quashed.

11.In view of the above, the proceedings in C.C.Nos.307 and 308 of 2023, pending on the file of the learned Judicial Magistrate No. II, Poonamallee, are quashed, insofar as all the accused in both the cases are concerned. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous petitions are closed.

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

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To

1.The Judicial Magistrate No. II,
Poonamallee.

2.The Inspector of Police,
Poonamalle Police Station,
Avadi District.

3.The Public Prosecutor,
High Court,
Madras.

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