



Crl.OP(MD)No.659 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.659 of 2026

and

Crl.M.P.(MD)Nos.690 and 692 of 2026

S.Karthik Prasanna

... Petitioner/Accused

Vs.

1. The State of Tamilnadu

Rep. by. the Sub Inspector of Police,
Thirumangalam Police Station,
Madurai District.

Crime No. 469/2024

.... Respondent / Complainant

2. L.R.Vijay

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the case in STC No. 1251 of 2025 on the file of the learned Judicial Magistrate, Thirumangalam and quash the same.

For Petitioner : Mr.D.Sivaraman

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

For R-2 : Mr.S.Ramanathan



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ORDER

The present petition arises out of a village property dispute which has spilled over into a criminal prosecution. The petitioner seeks quashment of the final report which now survives only for the offences under Sections 296(b) and 115(2) BNS. The original complaint appears to have been much wider, involving several accused and several offences, but the final report has been restricted to the aforesaid two offences.

Case of the Prosecution:

2. The second respondent/*de facto* complainant claims that he had purchased the disputed property in the year 2005. According to him, on the date of occurrence, the petitioner and others entered the church premises, questioned the *de facto* complainant, abused him in obscene language, threatened him and caused hurt.

3. The complaint initially appears to have alleged that nearly eleven persons were involved in the occurrence. However, during investigation, the police deleted several persons and also dropped some of the offences originally mentioned in the FIR. Ultimately, the



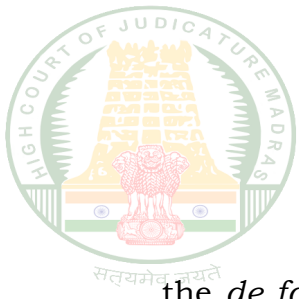
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final report has been filed only against the petitioner for the offences under Sections 296(b) and 115(2) BNS. The prosecution would rely upon the complaint, witness statements and the alleged CCTV footage to contend that the petitioner had entered the church premises, abused the *de facto* complainant in obscene words and caused bodily pain to him.

Grounds for Quash:

4. The petitioner contends that the prosecution is a counter-blast to the earlier complaint lodged by him. According to the petitioner, his father and family members are the true owners of the property in Survey No.236/1 at Vadagarai Village and the civil dispute is already pending in O.S.No.223 of 2013 before the Munsif Court, Tirumangalam.

5. It is the petitioner's case that the second respondent had purchased the property from one Parvatham, who had no title over the property. The petitioner's side had erected a flex board outside the property, and the second respondent removed the same. When the petitioner questioned the removal, he was allegedly attacked by

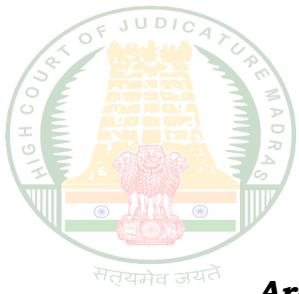


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the *de facto* complainant and others. The petitioner further submits that he was admitted in the hospital and his statement was recorded by the police, resulting in registration of Crime No.467 of 2024 against the second respondent and his father. Only thereafter, the present counter-complaint was lodged.

6. It is also contended that though the complaint alleged involvement of eleven persons, the statements of witnesses do not support such an allegation. On the contrary, the witnesses allegedly state that only the petitioner was present and that there was only a scuffle. As regards Section 296(b) BNS, the petitioner contends that the final report does not disclose the exact obscene words, the element of public annoyance, or the requirement that the alleged act was committed in a public place.

7. As regards Section 115(2) BNS, it is submitted that there is no material to show voluntary causing of hurt. No witness speaks about bodily pain suffered by the *de facto* complainant, and the medical materials do not establish any injury caused by the petitioner.



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Arguments on either side:

8. The learned counsel for the petitioner submitted that the entire criminal prosecution is rooted in a civil dispute. The disputed property is the subject matter of O.S.No.223 of 2013, and the criminal case has been given a colour of penal prosecution only to pressurise the petitioner's family. The learned counsel further submitted that the petitioner was the real victim of the occurrence. He was admitted in the hospital and treated for two days. His complaint was registered first, and the present case is only a counter-case lodged subsequently.

9. It was argued that the prosecution version is inherently doubtful, since the complaint speaks about eleven persons, whereas the witness statements do not support such a case. The learned counsel submitted that the prosecution's own materials substantially demolish the complaint.

10. On Section 296(b) BNS, it was submitted that the offence is not made out unless obscene words are uttered in or near a public place and such utterance causes annoyance to others. According to



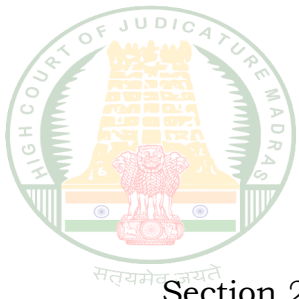
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the petitioner, neither the exact obscene words nor the annoyance caused to any public person is disclosed.

11. On Section 115(2) BNS, it was submitted that there must be material to show voluntary causing of hurt. A vague allegation of a scuffle cannot be elevated into an offence of voluntarily causing hurt. The learned counsel therefore submitted that continuation of the criminal proceedings would amount to abuse of process of Court.

12. The learned Government Advocate submitted that the final report cannot be quashed at the threshold when the witnesses have spoken about the occurrence. The learned counsel for the second respondent submitted that the property had been purchased by the second respondent in the year 2005 and that the petitioner's side came to the property and erected a board. According to the second respondent, the petitioner had no right to enter the church premises and create disturbance.

13. It was further submitted that the occurrence took place in a church, which is a public place. Therefore, the offence under



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Section 296(b) BNS is attracted. The prosecution also submitted that the words used by the petitioner are available in the complaint and in the statement of one of the witnesses. Whether those words were obscene and whether annoyance was caused are matters for trial.

14. As regards Section 115(2) BNS, the prosecution submitted that visible injury is not always necessary. Bodily pain is sufficient to constitute hurt. Therefore, the absence of a serious injury cannot be a ground to quash the prosecution. The respondents therefore prayed for dismissal of the Criminal Original Petition.

15. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

16. The point that arises for consideration is whether the final report, as against the petitioner for the offences under Sections 296(b) and 115(2) BNS, discloses the basic ingredients of the said offences so as to permit the prosecution to proceed, or whether the



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Court?

continuation of the proceedings would amount to abuse of process of

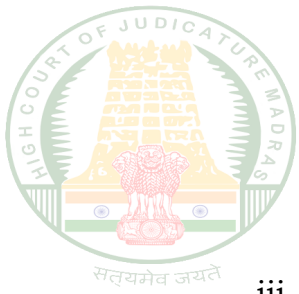
Analysis:

17. At the stage of quash, this Court is not concerned with the ultimate proof of the prosecution case. The Court has to see whether the allegations, even if accepted as true, constitute the offences alleged. If the final report is vague, if the essential ingredients of the offence are absent, or if the criminal proceeding is manifestly attended with mala fides, this Court would be justified in exercising its inherent jurisdiction. However, where the allegations disclose a triable case and require appreciation of oral and documentary evidence, the accused must face trial.

18. Section 296(b) BNS corresponds broadly to the earlier offence under Section 294(b) IPC. To attract the offence, the following ingredients must be present:

i. the accused must have sung, recited or uttered obscene words;

ii. such act must be done in or near any public place; and



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iii. such act must cause annoyance to others.

19. The offence is not attracted by every abusive expression. The words must be obscene in the legal sense. Further, there must be material to show annoyance to others. Mere insult, quarrel or exchange of words arising out of a property dispute will not automatically satisfy Section 296(b) BNS.

20. In the present case, the final report appears to be silent or at least unclear regarding the precise obscene words allegedly uttered by the petitioner. The complaint and the statements are also inconsistent as to the nature and manner of the occurrence. The prosecution asserts that one witness has spoken about the words used. Even assuming that some abusive words were uttered, the final report must still disclose that such words were obscene and that they caused annoyance to others in or near a public place.

21. The place of occurrence is stated to be a church premises. A church may be a place where members of the public or congregation assemble. However, the mere description of the place as



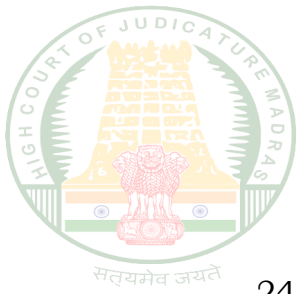
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church premises does not automatically complete the offence unless the other statutory ingredients are present. In the case on hand, the occurrence appears to have arisen in the course of a property dispute between two private parties. The witness statements, as referred to by the petitioner, do not consistently speak about annoyance caused to any member of the public. Therefore, the materials collected by the prosecution do not *prima facie* disclose the essential ingredients of Section 296(b) BNS with the required clarity.

22. Section 115(2) BNS punishes voluntarily causing hurt. “Hurt” requires bodily pain, disease or infirmity. It is true that visible injury is not indispensable. Bodily pain, if voluntarily caused, may be sufficient.

23. However, even for the offence of voluntarily causing hurt, the prosecution must disclose:

- i. an act attributable to the accused;
- ii. bodily pain, disease or infirmity caused to the victim; and
- iii. intention or knowledge on the part of the accused to cause hurt.

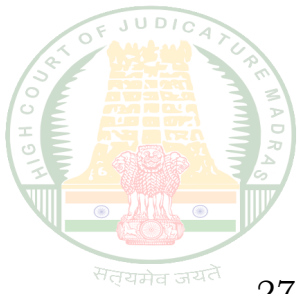


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24. In the present case, the prosecution materials, as placed, do not clearly disclose the specific overt act by which the petitioner allegedly caused hurt to the second respondent. The case of the petitioner is that he was the person who sustained injury and was admitted in the hospital. The respondents contend that absence of visible injury is immaterial. This proposition is correct as a matter of law. But the difficulty for the prosecution is not merely absence of visible injury. The difficulty is the absence of clear material showing voluntary causing of bodily pain by the petitioner.

25. A vague allegation that there was a scuffle cannot by itself sustain a charge under Section 115(2) BNS unless the final report discloses the act, the hurt and the necessary intention or knowledge. The final report, therefore, does not appear to disclose the essential ingredients of Section 115(2) BNS.

26. The records indicate that there was a case and counter-case. The petitioner's complaint was registered first, and thereafter the second respondent lodged the present complaint.



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27. The existence of a counter-case, by itself, is not a ground to quash a prosecution. However, where the counter-complaint appears to be exaggerated, where most accused and offences are deleted during investigation, and where the surviving offences are not supported by the necessary ingredients, the Court cannot shut its eyes to the surrounding circumstances.

28. The prosecution initially alleged a larger occurrence involving several persons. Ultimately, the final report has been narrowed down only to two offences against the petitioner. This is not fatal by itself. But it requires the Court to examine whether the surviving offences stand independently on their own statutory ingredients. On such examination, this Court finds that the materials do not disclose the essential ingredients of Sections 296(b) and 115(2) BNS.

29. This Court is conscious that the power to quash must be exercised sparingly. But sparing exercise does not mean reluctant abdication. Where the final report does not disclose the foundational



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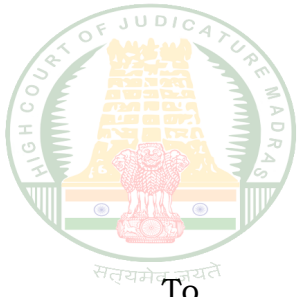
ingredients of the offences alleged, compelling the accused to undergo the ordeal of trial would itself amount to injustice.

30. The dispute between the parties appears to be essentially civil in character, arising from rival claims over property. The criminal prosecution, in its present form, does not disclose the necessary ingredients of the offences under Sections 296(b) and 115(2) BNS. Accordingly, the proceedings against the petitioner are liable to be quashed.

31. In the result, this Criminal Original Petition is **allowed**. The final report filed against the petitioner for the offences under Sections 296(b) and 115(2) BNS is quashed, insofar as the petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To
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- 1.The Judicial Magistrate,
Thirumangalam.
- 2.The Inspector of Police,
Thirumangalam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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