



Crl.OP(MD)No.991 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.O.P.(MD) No.991 of 2026

and

CRL.M.P.(MD) Nos.1035 and 1037 of 2026

S. Aranmanaisamy

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Inspector of Police,
Sikkal Police Station,
Ramanathapuram.
Crime No.95 of 2015.

2. K. Pachammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the impugned proceedings in S.T.C.No.229 of 2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Kadaladi, Ramanathapuram District and to quash the same insofar as the petitioner is concerned.

For Petitioner : Mr. R. Jothiraj

For R-1 : Mr. B. Thanga Aravindh,
Government Advocate (Crl. Side)



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ORDER

Preface

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 482 of Cr.P.C., seeking to quash the proceedings in S.T.C.No.229 of 2025 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Kadaladi, Ramanathapuram District, insofar as the petitioner is concerned.

2. The petitioner, who is stated to be a senior citizen aged about 72 years and a farmer by occupation, has approached this Court contending that the criminal proceedings initiated against him are nothing but an abuse of process of law and do not satisfy the essential ingredients of the offence alleged.

Case of the Prosecution:

3. The case of the prosecution, as borne out from the final report, is that there existed a dispute between the petitioner and the second respondent/*de facto* complainant, which culminated in a



quarrel. It is alleged that during the course of such quarrel, the petitioner had uttered certain words which are claimed to be obscene in nature, thereby attracting the offence under Section 294(b) of the Indian Penal Code.

4. Based on the complaint given by the second respondent, a case in Crime No.95 of 2015 was registered by the first respondent police and upon completion of investigation, a final report has been filed, which has been taken on file in S.T.C.No.229 of 2025.

Grounds for Quash

5. The learned counsel appearing for the petitioner would submit that the petitioner is a senior citizen and has been falsely implicated due to personal animosity and sought quashment on the following grounds: (i) The alleged occurrence took place in the patta land of the petitioner and not in a public place; (ii) The essential ingredients of Section 294(b) IPC are not made out, particularly the requirement of “annoyance to others”; (iii) The statements recorded under Section 161 Cr.P.C., 1973, do not disclose that any member of



the public was annoyed by the alleged utterances; (iv) The continuation of proceedings would amount to harassment and abuse of process of law.

Arguments on Either Side:

6. The learned counsel for the petitioner reiterated that even if the entire allegations are taken at face value, the same would not constitute an offence under Section 294(b) IPC, as the incident did not occur in a public place and no annoyance has been caused to any person.

7. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent would submit that the final report contains sufficient materials to show that the petitioner had uttered obscene words, and therefore, the matter requires trial. He would further contend that the petition for quashment at this stage is premature.



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

Point for Consideration:

9. The point that arises for consideration in this Criminal Original Petition is whether the allegations made in the final report *prima facie* constitute an offence under Section 294(b) IPC so as to warrant continuation of the criminal proceedings?

Analysis:

10. Before advertng to the facts of the present case, it is necessary to examine the scope and ambit of Section 294 IPC. Section 294 IPC deals with obscene acts and songs and prescribes punishment when a person does any obscene act in a public place or utters obscene words in or near a public place causing annoyance to others.

11. Thus, the essential ingredients required to constitute an offence under Section 294(b) IPC are:



- (i) Uttering of obscene words;
- (ii) Such utterance must be in or near a public place;
- (iii) Such act must cause annoyance to others.

12. In the case on hand, a careful perusal of the final report and the statements recorded under Section 161 Cr.P.C., 1973, reveals that there is no specific allegation to the effect that the alleged utterances caused annoyance to any member of the public. Further, it is not in dispute that the alleged occurrence took place in the patta land belonging to the petitioner. Therefore, the requirement of “public place” is also not satisfied.

13. The Hon’ble Supreme Court and this Court have consistently held that mere use of abusive or unpleasant words, in the absence of the essential ingredients of Section 294(b) IPC, would not constitute an offence.

14. In the absence of any material to show that the alleged act was committed in a public place and that it caused annoyance to



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others, this Court is of the considered view that the continuation of criminal proceedings would amount to an abuse of process of law.

15. This Court, in exercise of its inherent jurisdiction under Section 482 Cr.P.C., 1973, is empowered to quash such proceedings to secure the ends of justice and to prevent abuse of process. In view of the foregoing analysis, this Court finds that the allegations made in the final report do not satisfy the essential ingredients of Section 294(b) IPC.

16. Accordingly, the proceedings in S.T.C.No.229 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Kadaladi, Ramanathapuram District, insofar as the petitioner is concerned, are liable to be quashed.

17. In the result, this Criminal Original Petition stands allowed and the proceedings in S.T.C.No.229 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Kadaladi, Ramanathapuram District, are hereby quashed insofar as the



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petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

21.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The District Munsif-cum-Judicial Magistrate,
Kadaladi,
Ramanathapuram District
- 2.The Inspector of Police,
Sikkal Police Station,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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