



CrI.O.P.(MD)No.1019 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD)No.1019 of 2026
and
CrI.M.P.(MD)Nos.1061 & 1062 of 2026

Padmavathi @ Vanitha

... Petitioner

Vs.

1.State of Tamil Nadu
Rep. by the Inspector of Police,
Surandai Police Station,
Surandai, Tenkasi District.
(Crime No.93 of 2023)

... 1st Respondent / Complainant

2.Priyadarshini

... 2nd Respondent /
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the final report filed against the petitioner in S.T.C.No.446 of 2023 on the file of the Judicial Magistrate Court, Alangulam, in respect of Crime No.93 of 2023 on the file of the 1st Respondent Police.

For Petitioner : Mr.N.Vignesh,
Advocate

For R1 : Mr.Thanga Aravindh.B,
Government Advocate (Criminal Side)

For R2 : Mr.N.Madhava Selvam,
Advocate



CrI.O.P.(MD)No.1019 of 2026

ORDER

WEB COPY ***Preface:***

The present Criminal Original Petition is filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) seeking quashment of the final report in S.T.C.No.446 of 2023 pending on the file of the learned Judicial Magistrate, Alangulam.

2. The petitioner is arrayed as the sole accused in the said case for the alleged offences under Sections 294(b), 355 and 506(1) of the Indian Penal Code, which correspond to Sections 296(b), 133 and 351(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The petitioner seeks quashment of the proceedings primarily on the ground that the criminal prosecution has arisen out of a matrimonial discord between the petitioner and the de-facto complainant and that the allegations in the final report, even if accepted in their entirety, do not disclose the ingredients of the offences alleged.



Crl.O.P.(MD)No.1019 of 2026

4. The jurisdiction of this Court under Section 528 BNSS is meant to prevent abuse of the process of law and to secure the ends of justice. The present petition therefore calls for examination of whether the continuation of the criminal proceedings would amount to such abuse.

Case of the prosecution:

5. The prosecution case, as reflected from the First Information Report and the final report, is that, the second respondent / de-facto complainant is stated to have married one Suresh, who is the husband of the petitioner. According to the prosecution, the said marriage was performed during the subsistence of the petitioner's marriage with Suresh, resulting in strained relations and hostility between the petitioner and the de-facto complainant.

6. It is alleged that on 21.05.2023 at about 2.15 p.m., the de-facto complainant had gone to Surandai Village along with her friends to purchase a dress. After completing her purchase, she boarded a bus to return home. At that time, the petitioner, who was also travelling in the same bus, is alleged to have abused the de-facto complainant in filthy language and assaulted her with a slipper, thereby intending to dishonour her in public.



Crl.O.P.(MD)No.1019 of 2026

7. Based on the complaint given by the second respondent, the first respondent police registered a case in Crime No.93 of 2023 on 24.05.2023 for the offences under Sections 294(b), 355 and 506(1) IPC. After completion of investigation, the respondent police filed a final report dated 04.09.2023, which came to be taken on file by the learned Judicial Magistrate, Alangulam as S.T.C.No.446 of 2023.

Grounds for quash:

8. According to the petitioner, no such incident as alleged by the prosecution ever took place, and the complaint has been fabricated purely on account of personal animosity arising out of matrimonial disputes.

9. It is contended that the registration of the FIR and the subsequent filing of the final report are manifestly attended with mala fide intention, instituted solely with the objective of harassing the petitioner and coercing her into settling matrimonial disputes.

10. The petitioner would further contend that there is an unexplained delay of three days in lodging the complaint. Though the alleged occurrence is stated to have taken place on 21.05.2023, the complaint was lodged only on



CrI.O.P.(MD)No.1019 of 2026

24.05.2023, without any plausible explanation.

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11. It is also contended that no independent witnesses present in the bus have been examined by the prosecution. The witnesses cited by the prosecution are stated to be interested witnesses, closely associated with the de-facto complainant. The petitioner further points out certain material contradictions regarding the place of occurrence, as reflected in the statements recorded during investigation.

12. According to the petitioner, the allegations made in the complaint, even if accepted as true, do not constitute the ingredients of the offences alleged under Sections 294(b), 355 and 506(1) IPC, and therefore the continuation of criminal proceedings would amount to an abuse of process of law.

13. Reliance is placed upon the celebrated judgment of the Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal*¹, to contend that the case squarely falls within the categories where the inherent jurisdiction of the High Court can be exercised to quash criminal proceedings.

¹ 1992 Supp (1) SCC 335



CrI.O.P.(MD)No.1019 of 2026

Arguments on either side:

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14. The learned counsel appearing for the petitioner submitted that the entire prosecution is a product of matrimonial rivalry between the petitioner and the second respondent. It is submitted that the second respondent had married the petitioner's husband during the subsistence of the petitioner's marriage, which has resulted in a prolonged matrimonial dispute between the parties. According to the learned counsel, the alleged incident is an exaggerated and fabricated version intended only to give a criminal colour to what is essentially a personal dispute.

15. The learned counsel further submitted that the ingredients of Section 294(b) IPC are not satisfied, since there is no material to show that obscene words were uttered in a public place in such a manner as to cause annoyance to others. It was also argued that the allegations do not disclose the essential ingredients of Section 355 IPC, which requires an assault committed with the intention to dishonour the person otherwise than on grave and sudden provocation. With respect to Section 506(1) IPC, the learned counsel contended that the complaint does not disclose any specific threat which could cause alarm to the complainant.



Crl.O.P.(MD)No.1019 of 2026

16. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the complaint and the statements recorded during investigation clearly disclose the manner in which the petitioner assaulted the de-facto complainant in public. The learned Government Advocate further submitted that the statements recorded under Section 161(3) Cr.P.C. support the prosecution case and therefore the matter requires to be tested only during trial.

17. The learned counsel appearing for the second respondent adopted the submissions of the learned Government Advocate and prayed for dismissal of the petition.

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

Point for consideration:

19. In the light of the rival submissions made by the learned counsel on either side, the following point arises for consideration:

“Whether the continuation of criminal proceedings in S.T.C.No.446 of 2023 on the file of the Judicial Magistrate, Alangulam would amount to an



Crl.O.P.(MD)No.1019 of 2026

abuse of the process of law warranting interference by this Court under Section 528 BNSS?”

Analysis:

20. The inherent jurisdiction of this Court under Section 528 BNSS is extraordinary in nature and is to be exercised sparingly, with great caution, and only in cases where intervention is necessary to prevent abuse of the process of law. The Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal*² has laid down illustrative categories where criminal proceedings may be quashed by the High Court.

21. One of the categories enumerated therein is where the criminal proceeding is manifestly attended with mala fide intention and instituted with an ulterior motive for wreaking vengeance on the accused. In the present case, it is not in dispute that the petitioner is the legally wedded wife of one Suresh, and the de-facto complainant claims to have married the very same person during the subsistence of the petitioner's marriage.

22. The materials available on record indicate that the dispute between the parties is essentially rooted in matrimonial discord and personal

² 1992 Supp (1) SCC 335



CrI.O.P.(MD)No.1019 of 2026

animosity. A careful reading of the complaint and the statements recorded during investigation reveals that the allegations are general in nature and lack specific details regarding the alleged acts constituting the offences.

23. Insofar as the offence under Section 294(b) IPC is concerned, the prosecution has not placed any material to demonstrate that the alleged words were uttered in such a manner as to cause annoyance to the public. Similarly, the ingredients of Section 355 IPC, which require proof of assault with the intention to dishonour a person otherwise than on grave and sudden provocation, are not made out from the materials placed before this Court.

24. With regard to the allegation under Section 506(1) IPC, the complaint does not disclose any specific threat capable of causing alarm to the complainant. It is also significant that the alleged incident is stated to have taken place in a public bus, yet the prosecution has not examined any independent witnesses such as the bus driver, conductor, or passengers.

25. The contradictions regarding the place of occurrence as reflected in the complaint, mahazar and witness statements further weaken the prosecution case. In the considered view of this Court, the criminal proceedings appear to



Crl.O.P.(MD)No.1019 of 2026

have arisen out of a private matrimonial dispute between the parties and the continuation of such prosecution would only result in unnecessary harassment of the petitioner.

26. The inherent power of this Court cannot be allowed to remain a mute spectator when the criminal justice process is invoked as a weapon of harassment. Therefore, this Court is of the view that the present case squarely falls within the parameters laid down in *State of Haryana vs. Bhajan Lal*³'s case, warranting interference under Section 528 BNSS.

27. Criminal law cannot be permitted to be employed as a tool for settling personal scores arising out of matrimonial discord. The criminal process is intended to punish genuine offences and not to serve as a means of intimidation in private disputes. When the allegations made in the complaint, even if accepted at their face value, fail to disclose the essential ingredients of the offences alleged, compelling the accused to undergo the rigours of a criminal trial would amount to a miscarriage of justice. In such circumstances, this Court is duty bound to exercise its inherent jurisdiction to secure the ends of justice.

³ 1992 Supp (1) SCC 335



Crl.O.P.(MD)No.1019 of 2026

28. It is also brought to the notice of this court by the learned counsel for the petitioner that , the petitioner's husband having deserted the petitioner and his two minor little girl children , during the subsistence of their marriage had illegally managed to register another marriage with the de-facto complainant. In the interregnum the petitioner has managed to pass out a competitive exam and she is awaiting appointment order. Pendency of this case would hinder her appointment to a government post, affecting the livelihood of the petitioner and her two minor girl children.

29. This Court has also taken note of the submission made by the petitioner's counsel that , the entire prosecution narrative is built upon the malafides of the defacto complainant , who is none other than the one who is illegally living with the petitioner's husband and the impugned final report is built upon a complaint foisted by her only with an intention to wreck vengeance upon the petitioner, since she is not co-operating with her husband for grant of divorce, facilitating the de-facto complainant's life with the petitioner's husband.

30. In the result, this Criminal Original Petition is allowed. The proceedings in S.T.C.No.446 of 2023 on the file of the learned Judicial



Crl.O.P.(MD)No.1019 of 2026

Magistrate, Alangulam, arising out of Crime No.93 of 2023 on the file of the first respondent police, are hereby quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 11.03.2026.

To

1.The Judicial Magistrate Court,
Alangulam.

2.The Inspector of Police,
Surandai Police Station,
Surandai, Tenkasi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CrI.O.P.(MD)No.1019 of 2026



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L.VICTORIA GOWRI, J.

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