



Crl.O.P.(MD)No.2092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **27.01.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.2092 of 2024

and

Crl.M.P.(MD)No.1588 & 1589 of 2024

1.Dinesh

2.R.Karikalan

... Petitioners

Vs.

1. The State represented by its
The Inspector of Police,
Periyakulam Police Station,
Theni.

Crime No.292 of 2023

2. Venkatesan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in proceeding in C.C.No.418 of 2023 on the file of learned Judicial Magistrate, Periyakulam in connection with the crime No.292 of 2022 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.K.Sathish

For Respondents : Mr.B.Thanga Aravindh (R1)

Government Advocate

No appearance (R2)



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ORDER

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The petitioners seek for quash of the proceedings in C.C.No.418 of 2023 on the file of learned Judicial Magistrate, Periyakulam in connection with the case in crime No.292 of 2022 on the file of 1st respondent police.

2. The learned counsel appearing for the petitioners submitted that on the complaint of the second respondent, an FIR in Crime No.292 of 2022 under Sections 294(b), 506(1) and 379 of IPC has been registered as against the petitioners and the same culminated in laying a charge sheet in CC No.418 of 2023 as against the petitioners. The case of the prosecution is that the defacto complainant and his brother late Mahendran, who expired in 2018 were the only legal heirs of one Veerasamy. During the lifetime of the said Veerasamy, he had settled his property to his sons by executing a will. The defacto complainant's brother purchased the disputed property from one Vellaiyappapillai on 08.10.1996 by way of registered sale deed and thereafter, the defacto complainant's brother executed an unregistered will in his favour on 15.05.2022. The defacto complainant used the disputed property as his godown meant for the purpose of securing agricultural things.

3. The learned counsel appearing for the petitioners further submitted



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that on 04.06.2022, the defacto complainant and his son Jeyandran were out of station for taking medical treatment, at about 10:00 p.m., the first accused along with his friends had stolen the agricultural things belonging to the defacto complainant secured in the said godown and after the theft, it is alleged that the first accused leased out the stolen property to the second accused. On the very next day, when the defacto complainant on coming to know of these developments and enquired with the first accused about this illegal act, he had threatened the defacto complainant with dire consequences and abused him with filthy languages. In this regard, a complaint was lodged by the petitioners before the respondent police on 29.12.2022, for which, the aforesaid case has been registered.

4. The learned counsel appearing for the petitioner also contended that a careful reading of the charge sheet would reveal that none of the overt acts attracting the offences under Sections 294(b), 506(i) and 379 of the IPC are made out as against the petitioners herein, and therefore they seek the indulgence of this Court to quash the proceedings insofar as they are concerned.

5. The learned Government Advocate appearing for the respondent



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police categorically contended that the accused persons forcibly entered into the land of the defacto complainant and stole the agricultural articles kept in the godown. Thereafter, when the defacto complainant questioned the accused persons, they abused him in filthy language, threatened him with dire consequences and also damaged the wall of the godown. Hence, he prayed for dismissal of this petition.

6. Heard the learned counsel on either side and carefully perused the materials available on record. Though notice has been served on the respondent and his name is also printed in the cause list, there is no representation on behalf of the respondent.

7. A careful reading of the charge sheet itself would reveal that to attract the offence under Section 294(b) of IPC, one should have caused annoyance to others by uttering obscene words in or near any public place. However, it is understood that the obscene words have been uttered by the second accused only, that too in the godown belonging to the de facto complainant, where there is no public access. In view of the same, the offence under Section 294(b) of IPC is not made out as against the petitioners herein.



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8. Accordingly, the charge sheet in C.C. No.418 of 2023 on the file of the learned Judicial Magistrate, Periyakulam, is quashed only insofar as the offence under Section 294(b) of IPC is concerned. However, the other offences are clearly made out. Therefore, the trial Court is directed to proceed with the trial in respect of the remaining charges framed against the petitioners and conclude the same as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

9. In fine, this criminal original petition stands partly allowed. Consequently, connected miscellaneous petitions are closed.

27.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Inspector of Police,
Periyakulam Police Station,
Theni.
2. The Judicial Magistrate, Periyakulam.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.2092 of 2024

Dated
27.01.2026