



Crl.O.P.(MD)No.2578 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.2578 of 2024

and

Crl.M.P.(MD)No.1984 & 1985 of 2024

Madhuvaran

... Petitioner

Vs.

1. The State represented by its
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
Crime No.43 of 2023

2. Anbukarasi

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records of the Impugned Charge Sheet in CC.No.118 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Singampunari, Sivagangai District and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.A.Karthik

For Respondents : Mr.M.Sakthi Kumar (R1)

Government Advocate



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ORDER

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The petitioner seeks for quash of the Charge Sheet in CC.No.118 of 2023 pending on the file of the learned District Munsif cum Judicial Magistrate Court, Singampunari, Sivagangai District.

2. The learned counsel appearing for the petitioner submitted that with regard to a land dispute between the defacto complainant and the accused, on the complaint lodged by the second respondent, an FIR in Crime No.43 of 2023 came to be registered by the respondent police for the offences under Sections 294(b), 323 & 506(1) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, as against the petitioner and two others. The petitioner is the third accused in the said case. After completion of investigation, the same culminated in laying charge sheet in CC No.118 of 2023 for the same offences.

3. The learned counsel appearing for the petitioner further submitted that the case of the prosecution is that on 03.06.2023, at about 08.30 p.m., when the defacto complainant stood in front of her house, the first and the second accused pushed her mother down and had abused her with filthy words and had caused blood injuries on her head. In this regard, a complaint was given and



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the FIR was registered. However, a careful reading of the final report would make it clear that no specific overt act has been made as against the third accused, who is the petitioner herein. The petitioner is in no way connected with the aforesaid offences. Even a plain reading of the final report would reveal that no specific overt act is made out as against the petitioner herein.

4. The learned counsel appearing for the petitioner also drew my attention to the complaint lodged by the defacto complainant, wherein the time of occurrence was stated as 10:00 p.m., and the overt act as against the petitioner herein has been wantonly implicated as an over writing the complaint with the caption note 'குற்றியு' stating that the petitioner herein had threatened her with dire consequences by lying in a cot in the cow-shed belonging to the defacto complainant. However, no such incident had happened and sought the indulgence of this Court.

5. The learned Government Advocate appearing for the respondent police categorically contended that the offences under Section 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 would be clearly made out.



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6. Heard the learned counsel on either side and carefully perused the materials available on record.

7. A careful reading of the charge sheet would reveal that the alleged incident of threatening the defacto complainant at 10:00 p.m., on the date of occurrence had happened in a cow-shed belonging to the defacto complainant. The offence under Section 294(b) of IPC would be made out only if any person had uttered abusive or unparliamentary words in or near any public place to the annoyance of others. In the instant case, it is only the co-shed, where it is alleged that the petitioner had spoken unparliamentary words.

8. On perusal of the charge sheet, it is clearly revealed that no unparliamentary words qualifying the offence under Section 294(b) has been uttered by the petitioner. In view of the same, this Court is inclined to quash the charge sheet only with respect to the offense under Section 294(b) of the IPC, as no relevant facts have been established. The other offenses, however, are clearly made out. Therefore, the charge sheet under Section 294(b) of the IPC is quashed insofar as it concerns the petitioner. Accordingly, this criminal original petition is partly allowed.



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9. However, considering the facts and circumstances of this case, the personal appearance of the petitioner before the Trial Court is ordered to be dispensed with, on conditions that the petitioner shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

10. The petitioner shall appear before the Court, in the event his presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh***¹. Accordingly, Crl.M.P.(MD)No.1985 of 2024 is allowed.

11. This Court also directs the learned District Munsif cum Judicial Magistrate, Singampunari, Sivagangai District to conclude the trial in CC No. 118 of 2023 within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

¹ 2001 (4) SCC 667



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27.01.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
2. The District Munsif cum Judicial Magistrate Court,
Singampunari, Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.2578 of 2024

Dated
27.01.2026