



Crl.OP(MD)No.3930 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.3930 of 2025

and

Crl.M.P.(MD)No.2769 of 2025

Uthayakumar

... Petitioner /Sole Accused

Vs.

1. State Tamilnadu rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.519 of 2024)

... 1st Respondent /
Complainant

2. Alagurani
Complainant

... 2nd Respondent /*Defacto*

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the charge sheet in C.C No. 71 of 2024 pending on the file of the learned Additional Mahila court, Sivagangai.

For Petitioner : Mr. G.Karuppasamypandiyan

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



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ORDER

Preface

This Criminal Original Petition is an invocation of the inherent jurisdiction of this Court under Section 528 BNSS, 2023, seeking quashment of the prosecution in C.C.No.71 of 2024 arising out of Crime No.519 of 2024, registered for the alleged offences under Sections 294(b), 353 and 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The contours of the inherent power are well settled. It is not a forum for a mini-trial, yet, where even on an uncontroverted reading of the prosecution materials the essential ingredients of the alleged offences are absent, continuation of the criminal proceedings would amount to an abuse of process, warranting interference.

Case of the Prosecution:

3. On 22.06.2024, the second respondent / *de facto* complainant, stated to be a Traffic Police Officer, imposed a fine of Rs.1,000/- on the petitioner for alleged motor vehicle violations (absence of “proper number plate”, and sun-control film). On 23.06.2024 at about 10.30



a.m., when the *de facto* complainant was regulating vehicular traffic at the place mentioned in the records, the petitioner allegedly came in his car, got down, questioned the fine, abused the *de facto* complainant using “obscene / filthy language”, threatened her, and thereby deterred / obstructed her in discharge of her duty and criminally intimidated her.

4. Based on the complaint dated 23.06.2024, the FIR came to be registered in Crime No.519 of 2024, and upon investigation, a final report was filed, which is taken cognizance as C.C.No.71 of 2024.

Grounds urged in the Petition:

5. Section 294(b) IPC is not attracted as the complaint does not disclose the specific obscene words and the material does not disclose “public annoyance”. Section 353 IPC is not made out as there is no allegation of assault or use of criminal force, at best, the allegations are of verbal altercation / shouting. Section 506(1) IPC is not attracted as the complaint does not disclose a threat of such nature as to cause alarm, and the allegations are vague. Section 4 of



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the TN Prohibition of Harassment of Women Act, 2002 is not made out, as there is no pleaded indecent act or conduct amounting to harassment within the meaning of the Act. The case is alleged to be politically motivated and the petitioner claims false implication owing to political vendetta.

Counter and Submissions of the Prosecution:

6. The first respondent, in the counter affidavit, would submit *inter alia* that the petitioner is politically influential and had violated motor vehicle rules; on 23.06.2024. The petitioner came to the traffic point and abused / threatened the *de facto* complainant while she was on duty; statements of witnesses have been recorded and there are eye-witnesses; further, electronic / video material is stated to have been collected. The petitioner is also stated to have been involved in previous cases; the truthfulness of the allegations must be tested only in trial and therefore the petition must be dismissed.

7. The learned Government Advocate (Crl. Side) would contend that even if the Court does not proceed on Section 294(b), the act of the petitioner in coming to the spot, quarrelling, threatening and



preventing the officer from effectively regulating traffic would attract Section 353 and 506(1) IPC and Section 4 of the State Act and that the matter is trial-worthy especially in view of the asserted electronic evidence.

8. The learned counsel for the petitioner, per contra, would submit that the prosecution's own case discloses only a verbal exchange and alleged threats, and there is not even a whisper of any assault or physical force, therefore, Section 353 cannot be sustained. Reliance is placed upon the decision of the Hon'ble Supreme Court in ***K. Dhananjay v. Cabinet Secretary***¹ to contend that mere raising of voice / verbal altercation, without assault or criminal force, would not constitute the offence under Section 353 IPC.

9. Heard the learned counsel for the petitioners and carefully perused the materials available on record.

Point for Consideration:

10. The point that arises for consideration is whether the uncontroverted allegations in the complaint / final report materials,

¹ (2024 LiveLaw (SC) 847)



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even if accepted in entirety, disclose the essential ingredients of the offences under Sections 294(b), 353 and 506(1) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and if not, whether continuation of the proceedings in C.C.No.71 of 2024 would amount to abuse of process warranting interference under Section 528 BNSS, 2023?

Analysis:

11. The inherent power is to be exercised sparingly. Yet, where the allegations and the collected materials, taken at face value, do not constitute any offence, the case falls within the well-known parameters enunciated in ***State of Haryana v. Bhajan Lal***², particularly the categories where (i) the uncontroverted allegations and materials do not disclose commission of an offence, and (ii) the proceeding is manifestly mala fide / maliciously instituted.

12. At the quash stage, this Court does not weigh evidence as in trial. The Court, however, is duty-bound to see whether the ingredients of the offences alleged are made out from the prosecution's own narration.

² 1992 Supp(1) SCC 335



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13. For invocation of Section 294(b) IPC, the materials must disclose, at the minimum, (i) utterance of obscene words, (ii) in or near a public place, and (iii) causing annoyance to others.

14. In the case on hand, the petition as well as the submissions recorded indicate that even the prosecution fairly does not place specific obscene expressions on record in a manner enabling the Court to assess whether the words are “obscene” in law, and whether they caused annoyance in the sense required.

15. In the absence of disclosure of the specific obscene words and the requisite element of annoyance, mere incantation of “filthy language” would not, by itself, satisfy Section 294(b) IPC. Therefore, continuation of prosecution under Section 294(b) IPC cannot be sustained on the present materials.

16. Section 353 IPC criminalises assault or use of criminal force to deter a public servant from discharge of duty.



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17. On a plain reading of the complaint / prosecution narrative placed before this Court, the gravamen is that the petitioner came to the spot, questioned the fine, shouted, abused, and threatened. There is no specific allegation of assault, physical contact, or application of force of any kind.

18. The learned Government Advocate sought to contend that “gesture” or “shouting” may amount to criminal force. This Court is unable to accede to such a proposition on the prosecution’s own case as presented. “Criminal force” is not a metaphor for a raised voice, it imports force or physical compulsion in the sense known to criminal law.

19. The reliance placed by the learned counsel for the petitioner on ***K. Dhananjay v. Cabinet Secretary***³ is apposite to the extent that mere verbal altercation / raising of voice, without the element of assault or criminal force, would not satisfy the ingredients of Section 353 IPC.

³ (2024 LiveLaw (SC) 847)



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20. Therefore, even assuming the entire prosecution narration to be true, the offence under Section 353 IPC is not made out.

21. Criminal intimidation postulates a threat with intent to cause alarm (or to cause the person to do / omit any act which he is not legally bound to do / omit). At the threshold stage, the Court examines whether the nature of threat alleged is such that it crosses from mere angry exchange into the realm of criminal intimidation, as understood in law.

22. In the present case, the materials as placed before this Court reflect a dispute arising out of a traffic fine, followed by the petitioner questioning the officer the next day. The allegation of “threat” is stated in general terms. The record, as presented, does not disclose the precise content of the alleged intimidation or particulars which, even prima facie, satisfy the ingredient of causing alarm in the legal sense.

23. Vague allegations of threatening, in the factual context of an argument over a fine, without particulars that establish the



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statutory ingredients, would not justify compelling the petitioner to undergo the ordeal of trial for Section 506(1) IPC.

24. The State Act is intended to curb harassment of women in public places and other contexts contemplated by the statute. The prosecution must still disclose, from its materials, conduct falling within the statutory mischief, namely, harassment by acts / conduct of the nature contemplated.

25. In the present case, the allegations, as placed before this Court, are again in the realm of a quarrel / abusive words / threats allegedly made in the course of questioning a traffic fine. There is no concrete allegation of an indecent act or conduct of the nature that would attract Section 4 of the State Act, apart from the omnibus characterisation that the act amounted to harassment or outraging modesty.

26. Criminal law cannot proceed on labels, it must proceed on pleaded ingredients. On the present materials, the offence under Section 4 of the State Act is not made out.



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27. The prosecution would submit that there is electronic / video material. This Court is conscious that at the quash stage it does not conduct an evidentiary evaluation of the video. However, the list of material objects along with charge sheet do not reflect the presence of any video footage. For Section 353, the ingredient of assault / criminal force remains absent on the prosecution's own case as articulated.

28. As regards the reference to “previous cases”, pendency or involvement in other cases cannot, by itself, supply missing ingredients for the offences alleged herein. Criminal culpability in the present case must stand on the legs of the present occurrence and the legal ingredients of the alleged offences.

29. In view of the aforesaid discussion, the case squarely falls within the ***State of Haryana v. Bhajan Lal***⁴ categories where the uncontroverted allegations and the materials collected do not disclose commission of the alleged offences, warranting interference to prevent abuse of process.

4 1992 Supp(1) SCC 335



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30. Courts must be circumspect while dealing with allegations touching public servants on duty, and even more so where the de facto complainant is a woman police officer. That said, criminal prosecution cannot be sustained by sentiment, it must be sustained by law. Where the statutory ingredients are absent on the prosecution's own narration, continuation of proceedings would be an abuse of process.

31. This Court, therefore, is constrained to exercise inherent jurisdiction under Section 528 BNSS, 2023.

32. In the result, this Criminal Original Petition is allowed. The proceedings in C.C.No.71 of 2024 on the file of the learned Additional Mahila Court, Sivagangai, arising out of Crime No.519 of 2024 on the file of Sivagangai Town Police Station, are quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

33. In view of the quashment, the prayer to dispense with personal appearance does not survive.

27.02.2026

NCC : Yes / No
Index : Yes / No
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To

- 1.The Additional Mahila Court,
Sivagangai.
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai 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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