



CrI.O.P.(MD)No.8952 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.02.2026

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.(MD)No.8952 of 2024

and

CrI.M.P.(MD)No.6148 of 2024

1.Vasuki

2.Shankari

... Petitioners / A3 & A4

Vs.

1.State of Tamil Nadu

Rep. by the Sub-Inspector of Police,
Thogur Police Station, Thogur,
Thanjavur District.

... 1st Respondent / Complainant

2.Chidambaram

... 2nd Respondent /
De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the case in C.C.No.119 of 2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru and quash the same as against these petitioners.

For Petitioners : Mr.T.Lenin Kumar,
Advocate

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



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ORDER

Seeking to quash the final report in C.C.No.119 of 2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru, for the offences under Sections 294(b), 324, and 506(2) of the IPC, the present Criminal Original Petition has been filed.

2. The learned counsel for the petitioners submitted that the petitioners herein are the third and fourth accused in C.C.No.119 of 2022 pending on the file of the learned Judicial Magistrate, Thiruvaiyaru.

3. The case of the prosecution is that the first accused and the de-facto complainant are own brothers. Owing to a civil dispute prevailing between them, on 05.11.2020, the de-facto complainant and his family members allegedly assaulted and caused injuries to accused Nos.1 to 3. In that regard, a complaint was lodged and a case in Crime No.218 of 2020 was registered against the de-facto complainant and others. Only as a counterblast to the said complaint, a false complaint was allegedly lodged by the de-facto complainant, pursuant to which a case in Crime No.219 of 2020 was registered against the petitioners. A plain reading of the charge sheet itself would make it clear that



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the offence under Section 294(b) of the IPC is not made out against the petitioners. However, the petitioners have been charged for the offence under Section 294(b) of the IPC, and they seek the indulgence of this Court.

4. Mr.B.Thanga Aravindh, learned Government Advocate (Criminal Side) appearing for the first respondent, strongly contended that though the qualifying words are not reflected in the final report, a reading of the charge sheet in its entirety would disclose that the offences are clearly made out. Hence, he prayed for dismissal of this petition.

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

6. Section 294(b) of the IPC is extracted as follows:

“294. Obscene acts and songs —

Whoever, to the annoyance of others —

(a) ---

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.”



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7. No specific words, expressions, or gestures alleged to have caused annoyance to any person are revealed in the charge sheet. Hence, the offence under Section 294(b) of the IPC is not made out.

8. In the result, the Criminal Original Petition is allowed. The charge sheet in C.C.No.119 of 2022 on the file of the learned Judicial Magistrate, Thiruvaiyaru, is quashed insofar as the petitioners alone are concerned. Consequently, the connected Criminal Miscellaneous Petition is closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Judicial Magistrate Court,
Thiruvaiyaru.

2.The Sub-Inspector of Police,
Thogur Police Station, Thogur,
Thanjavur 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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