

(2026) 01 MAD CK 1724

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 19236 Of 2023

R. Manikandan

APPELLANT

Vs

Deputy Superintendent Of Police And Others

RESPONDENT

Date of Decision : 05-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 14, 21, 226
Indian Penal Code, 1860 — Section 294(b), 323, 334, 355, 506(i)
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(r), 3(1)(s), 3(2)(va)
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2026) 01 MAD CK 1724

Hon'ble Judges : S. Srimathy, J

Bench : Single Bench

Advocate : B.Subash, R.Manikandan, A.S.Abul Kalam Azad

Final Decision : Allowed

Judgement

S. Srimathy, J

1. The present petition is filed to quash the charge sheet filed in S.C.No.95 of 2023 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, arising out of Crime No. 37 of 2023 on the file of the Puliyangudi Police Station, Tenkasi District, registered on 03.02.2023 for the alleged offences under Sections 294(b), 323, 355, 506(i) of IPC read with Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that on 03.02.2023 at about 2.45pm, when the defacto complainant / 2nd respondent was in duty, who is a site supervisor in Mahatma Gandhi National Rural Employment Scheme (MGNREGS), at Thargapuram Village, the petitioner came to the spot and dashed the defacto complainant, which was questioned by the defacto complainant. The petitioner allegedly scolded her with filthy language and illtreated her caste name, punched

the defacto complainant and attached her which resulted in losing the gold stud. On raising alarm the people working nearby rushed to the spot and shouted at the petitioner and the petitioner fled away from the spot. Hence based on the complaint FIR was registered, charge sheet was filed. The petitioner is seeking to quash the charge sheet.

3. The contention of the petitioner is that the petitioner is a social activist & whistleblower and known for his active participation in issues concerning mines and minerals scam, temple land encroachment and accountability, transparency in public administration at grassroots level. The petitioner is not motivated by any political party and he has no personal interest, but by integrity and public conscience he has initiated proceedings. On 10.11.2022 it came to the knowledge of the petitioner that one Subbulakshmi, a site supervisor is operating in MGNREGS was working for more than 7 months with the influential of Panchayat Union Secretary namely Krishnakumar, but the tenure is maximum three months only. Further the father-in-law of Krishnakumar, namely Ramachandran who is having land has leased the land for agricultural works. In order to carry the agricultural operations in the said land, the said Subbulakshmi along with the Panchayat Member, namely Murugalakshmi (who is none other than Krishnakumar's wife) had colluded to misuse the workers of the 100 days scheme and engaged them for their agricultural operations in the private land. The petitioner had taken photographs of engaging the 100 days scheme workers in private land and filed W.P.(MD)No.28058 of 2022 and the same was allowed with several directions for effective implementation of the scheme and also directions were issued from preventing such irregularities. Aggrieved by the said order and as counter blast, the present case has been filed falsely implicating the petitioner. Further the aforesaid aggrieved persons were made witnesses only to fabricate evidence and throttle and threaten the petitioner to restrain from filing PIL. The present criminal prosecution was initiated against the petitioner is a product of political vendetta and retaliatory malice, instituted solely because the petitioner exposed the misuse of public funds and irregularities in the implementation of the MGNREGS scheme hence permitting such prosecution to continue would result in gross abuse of the criminal justice and violation of the petitioner's fundamental rights under Articles 14 and 21 of the Constitution.

4. The contention of the petitioner is that the section 294(b) of IPC is not applicable to the present case. The said section would be attracted if a person sings, recites or utters any obscene song, ballad or words, in or near any public place and cause annoyance to others. The prosecution ought to prove that the offender has done any obscene act or uttered the word in any public place and has caused annoyance to others. When the final report is not stating any ingredient of "annoyance", then the section 294(b) is not attracted. Further it ought to be uttered in public place. It is seen even as per the complaint after the defacto complainant raised alarm then only others came to the scene, which means nobody was around. In such circumstances, it can be stated that the utter is not annoyance to others, further it cannot be stated that the incident

happened in public place. Further it is not corrupting the mind of the defacto complainant and others. The same issue was considered by the Hon'ble Supreme Court of India in the case of N.S. Madhanagopal and Another v. K. Lalitha [(2022) LiveLaw (SC) 844)], and the relevant portion is extracted hereunder:

" the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences. This test has been uniformly followed in India. The Supreme Court has accepted the correctness of the test in *Ranjit D.Udeshi V. State of Maharashtra*, AIR 1965 SC 881. In *Samuel Roth V. U.S.A.*, 354 US 476(1957), Chief Justice Warren said that the test of 'obscenity' is the "substantial tendency to corrupt by arousing lustful desires". Mr.Justice Harian observed that in order to be 'obscene' the matter must 'tend is sexually impure thoughts". I do not think that the words uttered in this case have such a tendency, it may be that the words are defamatory of the complainant, but I do not think that the words are 'obscene' and the utterance would constitute an offence punishable under S.294(b) IPC."

As held supra, in the present case, the alleged uttered words would not have such a tendency of corrupting the mind, it may be that the words are defamatory of the defacto complainant, but the same cannot consider as 'obscene' to constitute an offence punishable under S.294(b) IPC. Therefore, this Court is of the considered opinion that such an utterance would not corrupt the mind of the defacto complainant and not an annoyance as stated in the section and hence the same cannot be construed as an offence under Section 294(b) of the IPC.

5. The contention of the petitioner is that the section 323 of IPC is not applicable to the present case. The relevant section is extracted hereunder:

"Section 323 of the Indian Penal Code (IPC) deals with the punishment for voluntarily causing simple hurt. Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both".

In the present case, the Learned Counsel appearing for the defacto complainant submitted that the complainant had sustained an injury. But the Learned Counsel appearing for the petitioner submitted that the injury is self-inflicted injury. It is seen that the Doctor who had treated the defacto complainant has issued certificate that it is "simple injury" but he had also stated that the defacto complainant came with nose bleeding. The Learned Counsel appearing for the petitioner had explained that the self-inflict injury would be simple superficial, the depth would be minimal because an individual applying injury upon himself controls the pressure and avoids serious harm. If heavy punch is given on the nose, often causes peri-orbital discoloration (infraorbital) secondary bruising around. In the present case no such discoloration or bruising is reported. This contention of the petitioner is acceptable. Further there is no independent

witness at all and there is no material, especially blood-stained clothing or torn apparel material was not available. Further the "mother-in-law witness" of the prosecution is inconsistent. Also, the assault on the nose is inconsistent with the medical findings. The persons aggrieved by the petitioner's action by filing PIL and their relatives are the only witnesses, who are interested witnesses, hence such witnesses cannot be accepted as well. In the result, this Court is of the considered opinion that the ingredients stated in Section 323 of the IPC are not established.

6. The contention of the petitioner is that the section 355 of IPC is not applicable to the present case. The said section states,

"355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation.—Whoever assaults or uses criminal force to any person, intending thereby to dishonor that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

This Court has held that the alleged injury is self-inflicted, hence there is no evidence that the petitioner had assaulted or used criminal force against the defacto complainant to attract section 355. Therefore this Court is of the considered opinion that the ingredients stated in the said section 355 is not established.

7. The contention of the petitioner is that the Section 506(i) of IPC is not applicable to the present case. As far as Section 506(i) of the IPC is concerned, the alleged words uttered by the petitioner may constitute filthy language and defamatory, but there is no criminal intimidation. Hence, there are no materials available to show that there is criminal intimidation, hence the said section may not be applicable.

8. Further, in the present case the sections that are invoked against the petitioner is Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. First the Sections 3(1)(r), 3(1)(s) shall be considered. The relevant provisions are extracted hereunder:

"3. Punishments for offences atrocities. — 3[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) ...

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) ..."

In the present case, it is seen even as per FIR after the defacto complainant

raised alarm, then only others came to the scene, which means nobody was around. When the occurrence had happened when no one is around, then the ingredient of "public view" may not be there. Therefore, this Court is of the considered view that the sections 3(1)(r), 3(1)(s) may not be attracted and the case under sections 3(1)(r), 3(1)(s) are not made out.

9. The next allegation against the petitioner is under section 3(2)(va) and the relevant portion is extracted hereunder:

"(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
(i)...

(va). commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;

(The sub clause (va) was amended by Act 1 of 2016 with effect from 26.01.2016)"

The aforesaid section is applicable whenever the IPC sections stated under the schedule are attracted. In the present case the sections that are invoked 294(b), 323, 355 and 506(i) IPC. The said sections of 294, 323, 355 and 506 IPC are not stated in the said schedule. When the sections stated in the schedule are not attracted, then the section 3(2)(va), may not be attracted. Therefore, this Court is of the considered opinion that the prima facie case under section 3(2)(va) was not attracted, consequently no case is made out against the petitioner under sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act.

10. Further it is seen that the complaint was registered immediately after the order was passed in PIL, hence the present complaint is counter blast. The Hon'ble Supreme Court in Mahmood Ali & others v. State of U.P. & others in Criminal Appeal No.2341 of 2023 arising out of SLP (Criminal) No.12459 of 2022 reported in 2023 INSC 684 (Supreme Court Neutral Citation) has held that courts must take overall circumstances and ought to look beyond the averments in the FIR when proceedings are manifestly vexatious. The relevant portion is extracted hereunder:

"12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for

wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

As held supra the present case is filed as counter blast, hence the above judgment is applicable to the present case. Based on the above judgment the present case is liable to be quashed.

11. As rightly pointed out by the Learned Counsel of the petitioner, the present case would squarely falls within the category 7 enumerated in State of Haryana v. Bhajan Lal, where proceedings are initiated maliciously with ulterior motive. Hence continuing the impugned proceedings would amount to permitting the criminal process to be used as an instrument of harassment and abuse the process of law.

12. For the reasons stated above, this Court is inclined to quash the charge sheet and accordingly, the impugned charge sheet is quashed and the criminal original petition is allowed.

13. This Court appointed the Learned Counsel appeared for the petitioner through Legal Aid and the Learned Counsel is entitled to the fees as applicable. This Court appreciates the Learned Counsel for his assistance to the Court.