

CNR : KLHC010117612026



2026:KER:71105

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2026 / 25TH BHADRA, 1948

CRL.MC NO. 1240 OF 2026

CRIME NO.209 OF 2024 OF KALPETTA POLICE STATION, WAYANAD

CC NO.274 OF 2024 OF CHIEF JUDICIAL MAGISTRATE COURT, KALPETTA

PETITIONER/ACCUSED:

AGED 54 YEARS,



BY ADVS.SRI.S.SABARINADH
SRI.A.JAYASANKAR
SMT.INDULEKHA JOSEPH

RESPONDENTS/STATE & DE FACTO COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

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R1 SRI.V.R.RAMLAL,PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 15.09.2026
THE COURT ON 16.09.2026 PASSED THE FOLLOWING:

**ORDER**

Dated this the 16th day of September, 2026

This petition has been filed by the sole accused in C.C. No. 274/2024 on the file of the Chief Judicial Magistrate Court, Kalpetta, wherein he has been charge-sheeted for the offences punishable under Sections 354A(1)(iv), 294(b), 506(ii), and 509 of the Indian Penal Code, 1860 (for short, 'the IPC'). The petitioner seeks an order quashing the final report and all further proceedings in the said case.

2. The crux of the prosecution case is that, on 09.03.2024, between 10:00 and 10:45 a.m., at the premises of Sree Maniyankottappan Mahakshethram at Maniyankode in Kalpetta, the accused, due to prior enmity, abused CW2 in filthy language in the presence of others. Thereafter, at about 10:40 a.m., when CW1 and CW3 went to question the accused about the same, on the public road in front of the house of the accused, the accused again showered abuses against them and made sexually coloured remarks against them and, hence, outraged their modesty. Moreover, the accused threatened CW1 and CW3 to do away with them, showing a machete. Thus, the accused is alleged to have committed the abovesaid offences.

3. Heard Sri. S. Sabarinadh, the learned counsel for the petitioner, and Sri. V. R. Ramlal, the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that the petitioner is innocent of the allegations levelled against him. According



to the learned counsel, even if the allegations contained in Annexure A2 First Information Statement are accepted in their entirety, none of the offences alleged against the petitioner is made out. It was further submitted that the essential ingredients of the offences alleged are wanting in the present case. On these premises, it was urged that the Final Report in Crime No. 209/2024 of Kalpetta Police Station and all further proceedings pursuant thereto are liable to be quashed.

5. Per contra, the learned Public Prosecutor opposed the petition, emphasising the serious nature of the allegations levelled against the petitioner. It was submitted that the allegation that the accused, who is a man, uttered obscene words concerning the de facto complainant and her daughter and threatened to kill them cannot be viewed lightly. According to the learned Public Prosecutor, if the allegations are taken at their face value, the ingredients of the offences alleged are prima facie made out.

6. Before considering the rival contentions, it is apposite to note that this Court has inherent jurisdiction under Section 482 of the Code of Criminal Procedure, which corresponds to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash criminal proceedings in appropriate cases. However, such power is extraordinary in nature and is to be exercised sparingly, cautiously and only when such intervention is necessary to prevent abuse of the process of law or otherwise to secure the ends of justice.



7. One of the well-recognised grounds for quashing criminal proceedings is that, even if the allegations contained in the complaint or the First Information Statement are taken at their face value and accepted in their entirety, they do not disclose the commission of any offence or do not make out a case against the accused. At the same time, while exercising jurisdiction under Section 528 of the BNSS, this Court is not expected to conduct a meticulous examination of the evidence, assess the probative value of the materials collected during investigation, or undertake a mini-trial.

8. The scope of enquiry in a petition seeking quashing of criminal proceedings is limited to examining whether the allegations, on a plain reading and in the light of the materials available on record, disclose the essential ingredients of the offences alleged. Where the allegations raise disputed questions of fact requiring appreciation of evidence, such matters are to be adjudicated by the trial court upon a full-fledged trial.

9. Keeping in mind the above principles, and reverting to the facts of the present case, it can be seen that, in the First Information Statement given by the de facto complainant, which led to the registration of the present case, it is specifically stated that the accused had abused the de facto complainant and her daughter in filthy



language. Likewise, it is prima facie discernible that the abusive words were uttered by the accused while he was standing in a public place. I am not unmindful of the fact that whether the alleged utterance of the words mentioned in the FIS would attract an offence under Section 294(b) of the IPC can be conclusively determined only after trial. Whether the words allegedly uttered had the capacity to generate impure thoughts in the minds of the audience, or whether the words uttered amounted to obscene words, etc., can also be considered only after trial.

10. Likewise, the FIS contains a specific allegation that the accused, who came armed with a machete, threatened the de facto complainant and CW3. Therefore, prima facie, it appears that the essential ingredients to attract an offence under Section 506 of the IPC are also made out. However, it cannot be ignored that the mere utterance of obscene words would not, by itself, automatically attract an offence under Section 354A(1)(iv) of the IPC. There must be a specific allegation that the accused had made sexually coloured remarks against the de facto complainant. A general abuse directed at a woman does not, by itself, constitute an offence under Section 354A(1)(iv) of the IPC. Therefore, the ingredients to attract an offence under Section 354A(1)(iv) are not made out in this case.

11. The use of filthy language against a woman, without an intention



to insult her modesty, is not sufficient to constitute an offence under Section 509 of the IPC. On the other hand, to attract Section 509, it must be established that the accused uttered any word, made any sound or gesture, or exhibited any object, with the intention of insulting the modesty of a woman. Therefore, the intention to insult the modesty of a woman is an indispensable ingredient of the offence. In the case at hand, there is a specific allegation that the accused stated that “നിന്റെ ചേച്ചി ആത്മഹത്യ ചെയ്തതല്ലേ, അവളുടെ മരണം നിങ്ങളുടെ ബന്ധുക്കളെ ഉപയോഗിച്ച് ഹാർട്ട് ആറ്റാക്ക് ആക്കി മാറ്റിയെന്നും അവളും നിങ്ങളും ശരിയല്ല എന്നും നിങ്ങളുടെ ഭർത്താവ് ഗർഭമിലല്ലേ എന്നൊക്കെ ദയാർത്ഥത്തിൽ മാനഹാനി വരുത്തുന്ന രീതിയിൽ പെരുമാറുകയും എന്നെയും മകളെയും ഞങ്ങൾ പുറത്തു പോവുമ്പോൾ ടിയാൻ പിന്തുടരുകയും ചെയ്യുകയുമുണ്ടായി”. The question whether the utterance of the aforesaid words would constitute an offence under Section 509 of the IPC can be determined conclusively only after considering the conduct of the accused and the circumstances in which those words were uttered. In other words, whether, by uttering the aforesaid words, the accused intended to insult the modesty of the de facto complainant is a matter of evidence, which can be determined only after trial, upon appreciation of the evidence that may be adduced in the case.

In the result, this Crl. M.C. is allowed in part. The proceedings against the petitioner, who is the accused in C.C. No. 274/2024 on the file of the Chief Judicial Magistrate Court, Kalpetta, insofar as the



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offence under Section 354A(1)(iv) of the Indian Penal Code is concerned, stand quashed. However, the criminal proceedings against the petitioner for the offences punishable under Sections 294(b), 506(ii), and 509 of the IPC shall continue in accordance with law. It is made clear that the observations contained in this order are confined to the consideration of the present petition and shall not influence the trial court in any manner while adjudicating the case on its merits.

Sd/-

JOBIN SEBASTIAN
JUDGE

MJL

**APPENDIX OF CRL.MC NO. 1240 OF 2026****PETITIONER'S ANNEXURES:**

Annexure A1	A CERTIFIED COPY OF THE FIRST INFORMATION REPORT DATED 09.03.2024 IN CRIME NO. 209/2024 OF KALPETTA POLICE STATION
Annexure A2	A CERTIFIED COPY OF THE FIRST INFORMATION STATEMENT DATED 09.03.2024 IN CRIME NO. 209/2024 OF KALPETTA POLICE STATION
Annexure A3	A CERTIFIED COPY OF THE STATEMENT DATED 09.04.2024, UNDER SECTION 164 OF THE CRIMINAL PROCEDURE CODE, 1973, OF THE DEFACTO COMPLAINANT
Annexure A4	A CERTIFIED COPY OF THE FINAL REPORT NO. 1529800824020901 DATED 28.05.2024 IN CRIME NO. 209/2024 OF KALPETTA POLICE STATION