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MCRC-7085-2015

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 3<sup>rd</sup> OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 7085 of 2015*DEEPAK BHATNAGAR AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Puneet Shroti - Advocate for petitioners.*

*Shri J.Shrivastava - PL for respondent/State.*

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ORDER

This is a petition filed under Section 482 of Cr.P.C. seeking quashment of the FIR / Crime No.367/2011 registered at the Police Station, Kotwali District Chhatarpur in respect of the offence punishable under Sections 294 and 506-B/34 of IPC and ensued proceedings before the Judicial Magistrate First Class.

2. The facts as detailed in the petition reveal that respondent no.2 is Father in-law of Applicant No.1, submitted a written complaint on 06-02-11 and on 08-02-11, before Police, alleging that the applicants are abusing him on the phone and also giving threat and pressuring him to take the case back. The concerning police after investigating the matter, found that some telephonic conversation was done between the applicants and the complainant on certain dates and after recording the statements submitted a report to the City Superintendent of police on 18-07-11 and consequently the F.L.R. registered against the applicants. Challenging the said FIR, the present



petition under Section 482 of Cr.P.C. has been filed.

3. Learned counsel for the applicants contends that some some telephonic conversation was done between the applicants and the complainant on certain dates and after recording the statements submitted a report to the City Superintendent of police on 18-07-11, as a result of which, an FIR under Sections 294 and 506-B/34 of IPC was registered against the present applicants.

4. It is contended by the counsel that if the allegations are levelled in the FIR are taken into consideration on their face value, the same would reveal that no case under Section 294 of IPC is made out. If the filthy or obscene language is used on the phone, the same would not attract Section 294 of IPC and in support of the contention the counsel has placed reliance on the decision of the Punjab and Haryana Court in the case of *Surjit Singh @ Billu vs. State of Punjab and Anr. (Criminal Misc. No.14851/2009)* and the judgment of *High Court of Kerala in the case of Ramla Kabeer vs. The State of Kerala (CRL.MC No.1196/2021)*.

5. It is further contended by the counsel that as no case under Section 294 of IPC is made out, accordingly, the FIR under Section 506 of IPC also could not have been registered *inasmuch* as, an offence under Section 506 of IPC is a non-cognizable offence and the police is not empowered to lodge the FIR in respect of an offence which is committed under Section 506 of IPC. The counsel, therefore, submits that the FIR and ensued proceedings deserve to be quashed.

6. *Per contra*, learned counsel for the State has opposed the prayer and



submitted that the present petition filed by the applicants deserves to be dismissed. It is contended by the counsel that the FIR specifically reflects the specific allegations against the present applicants, therefore, no case for any interference is made out.

7. Heard submissions advanced on behalf of the parties and perused the record.

8. A perusal of the FIR reflects that it has been stated by the complainant in the FIR that on his mobile number i.e. 997790200 from 14.01.2011 to 31.01.2011, he received a call which was made by the present applicants and the present applicants, used filthy/obscene language and abused the complainant and also threatened him with the dire consequences. It is evident that the FIR only refers to the incident which according to the complainant had taken place on the phone call. Such use of filthy/obscene language on a phone was considered by the *High Court of Punjab and Haryana* in the case of *Surjit Singh @ Billu (supra)* and the Court held in paragraphs 11 and 13 as under:-

*"11. As is amply clear, Section 294 IPC postulates that, whoever, to the obscene act in any public place, or sings, recites or utters any obscene song, ballad or words, in or annoyance of others does any 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, whereas Section 506 IPC deals with the punishment for offence of criminal intimidation.*

*13. Meaning thereby, as, all the essential ingredients are totally lacking, therefore, the alleged telephonic utterance received by the complainant in his residential house in other village, would not constitute any offence in this relevant connection. Sequelly, not only that, no offence whatsoever under Sections 294 and 506 IPC is made out, since, the alleged offence punishable under Section 506 IPC is non-cognizable, so, even the police was not empowered to register a criminal case against the petitioner as well."*



9. The similar view has also been taken by the High Court of Kerala in the case of *Ramla Kabeer (supra)*.

10. A perusal of the aforesaid decisions make it abundantly clear that in order to bring an offence within the ambit of Section 294 of IPC, the offence is required to be committed in a public place and in the present case, the offence pertaining to use of filthy/obscene language has not been committed in a public place. On the contrary, the language was used on a phone call. Moreover, if the offence under Section 294 of IPC is not made out in the present case, automatically the offence under Section 506 of IPC also could not have been registered by the police as offence under Section 506 of IPC is a non-cognizable offence.

11. In view of the aforesaid, this Court is of the considered view that the First Information Report and ensued proceedings deserve quashment.

12. Accordingly, the FIR registered vide Crime No. 367/2011 and ensued proceedings stand quashed. The applicants stands discharged of the aforesaid charges and his bail bonds, if any, also stand cancelled.

13. With the aforesaid, the present petition filed under Section 482 of Cr.P.C. stands **disposed of**.

(B. P. SHARMA)  
JUDGE