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MCRC-55648-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 5th OF MARCH, 2026MISC. CRIMINAL CASE No. 55648 of 2024*BANSH MANI VERMA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Praveen Dubey - Advocate for petitioner.

Smt. Priyanka Mishra - Government Advocate for the State.

Shri Agnivesh Dubey - Advocate for respondent No.2.

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ORDER

This petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashment of the charge sheet arising out of Crime No.896/2021 registered at Police Station Waidhan, District Singrauli (M.P.) for the offences punishable under Sections 294 & 504 of the IPC and the consequential criminal proceedings pending before the Court of Chief Judicial Magistrate, Singrauli in RCT No. 2345/2024 (State of M.P. Vs. Bansh Mani Verma).

2. As per the prosecution case, on 23.07.2021 a protest rally was organized by members of the Indian National Congress regarding the issue of rising inflation. It is alleged that when the memorandum was being submitted before the District Administration near the Collectorate at Waidhan, the present petitioner, who is stated to be a former Cabinet Minister, used



inappropriate and unparliamentary language against the Collector and the District Administration. On the directions of the Sub-Divisional Magistrate Singrauli, an FIR was registered on 25.07.2021 at Police Station Waidhan under Section 294 IPC. After investigation, a chargesheet dated 19.08.2021 was filed wherein Section 504 IPC was also added.

3. Learned counsel for the petitioner submits that the entire prosecution is based on vague and omnibus allegations. It is contended that the essential ingredients of Sections 294 and 504 IPC are absent. The FIR does not specify the exact abusive words allegedly used by the petitioner nor does it show that any obscene act or utterance causing annoyance to the public had taken place. It is further submitted that the alleged words were directed against the functioning of the District Administration in the context of a political protest and at best, could amount to criticism of administrative conduct but cannot constitute the offence of obscenity or intentional insult. It is also argued that the complainant is merely a Patwari who lodged the FIR on the directions of the Sub-Divisional Officer, whereas the alleged remarks were purportedly directed against the Collector. No independent public witness has been cited despite the alleged incident having taken place at a public place. Therefore, continuation of the proceedings would amount to abuse of the process of the Court. He prays to allow the petition. Counsel for the petitioner relied upon the judgment passed by the Apex Court in the case of *Shiv Prasad Semwal Vs. State of Uttarakhand and others (2024) 7 SCC 555*, *N.S. Madhanagopal and another Vs. K. Lalitha, (2022) 17 SCC 818*, *State of Haryana and others Vs. Bhajan Lal and Ors., 1992 Suppl. (1) SCC 335* and also the High Court



of Madhya Pradesh in M.Cr.C. No.29918/2024 (Ajay Tandon Vs. The State of Madhya Pradesh) on 20.01.2025 and Prafulla Kumar Jaiswal Vs. State of M.P. and Anr., passed in M.Cr.C. No.19835/2017 decided on 22.09.2023.

4. Learned counsel for the State as well as respondent No.2/complainant opposed the petition and submitted that during the protest, the petitioner used objectionable language against the Collector and the District Administration which disturbed public order and, therefore, the trial deserves to proceed. It is submitted that the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is misconceived and liable to be dismissed. The impugned FIR and chargesheet disclose the commission of cognizable offences and, therefore, the inherent jurisdiction of this Court ought not to be exercised to stifle a legitimate prosecution at the threshold. It is further submitted that the incident occurred in a public place and in the presence of a large gathering, thereby causing annoyance and disturbance to the persons present there. The language used by the petitioner was not only inappropriate but also had the tendency to undermine the dignity of public Authorities and disturb public order. Therefore, the ingredients of Section 294 IPC are *prima-facie* attracted. It is also submitted that the use of such insulting and provocative language in a public gathering amounts to intentional insult with knowledge that such provocation may cause breach of peace, thereby attracting the provisions of Section 504 IPC. They pray for dismissal of petition.

5. Heard learned counsel for the parties and perused the case diary and the material available on record.



6. Section 294 IPC contemplates punishment for obscene acts or utterances in a public place causing annoyance to others. For attracting the said provision, the prosecution must specifically allege and establish that the accused uttered obscene words in a public place which caused annoyance to the public at large. The Hon'ble Supreme Court in the case of *N.S. MADHANAGOPAL & ANR. vs. K. LALITHA, passed in CRIMINAL APPEAL NO.1759 OF 2022 (Arising out of S.L.P.(Crl.) No.6039 of 2022)*, has held as under :

"It has to be noted that in the instance case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC. To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants accused annoyed others, it can not be said that the ingredients of the offence under Section 294 (b) of IPC is made out."

7. In the present case, the statements recorded during investigation discloses the exact words allegedly uttered by the petitioner. Though, such expressions may be considered derogatory in certain contexts, but same cannot automatically be categorized as obscene expressions so as to attract the penal provisions of Section 294 IPC. It is a matter of common experience that expressions such as "nalayak" and similar colloquial words are widely



used in everyday speech across the country and, depending upon the context, may not necessarily carry the intention to humiliate or abuse a particular individual. Criminal liability cannot be fastened merely on the basis of such expressions unless the statutory ingredients of the offence are clearly established. The material placed on record does not disclose that any obscene act was committed or that the alleged utterances caused annoyance to the public so as to attract Section 294 IPC.

8. Likewise, Section 504 IPC requires intentional insult with the knowledge that such provocation will cause a person to break the public peace. In this regard in the case of *Fiona Shrikhande Vs. State of Maharashtra, reported in (2013) 14 SCC 44*, the Hon'ble Supreme Court has held as under

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"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 IPC.

We may also indicate that it is not the law that the actual words or language should figure in the complaint. One has to read the complaint as a whole and, by doing



so, if the Magistrate comes to a conclusion, prima facie, that there has been an intentional insult so as to provoke any person to break the public peace or to commit any other offence, that is sufficient to bring the complaint within the ambit of Section 504 IPC. It is not the law that a complainant should verbatim reproduce each word or words capable of provoking the other person to commit any other offence. The background facts, circumstances, the occasion, the manner in which they are used, the person or persons to whom they are addressed, the time, the conduct of the person who has indulged in such actions are all relevant factors to be borne in mind while examining a complaint lodged for initiating proceedings under Section 504 IPC."

9. Recently in the case of *B.V. Ram Kumar Vs. State of Telangana and others reported in (2025) 3 SCC 475*, the Hon'ble Supreme Court has also held as under :-

"Needless to say, that mere abuse, discourtesy, rudeness or insolence does not mount to an intentional insult within the meaning of Section 504IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.

Section 504 IPC consists of two parts. Firstly, the actus reus—being the intentional insult which gives rise to the provocation. Secondly, the mens rea i.e. the intention or knowledge on the part of the accused that such intentional provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504 IPC is that the accused should “intentionally insult” the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes “intentional insult” with the aforesaid *mens rea*. Hence, intention or knowledge on the part of the accused person that his actions of making “intentional insult” have the potential to provoke the person insulted is sine qua non for the commission of the offence under



Section 504 of the IPC.

The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an "intention to insult" is not punishable under Section 504 IPC. Further, "intentional insult" must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence.

It is trite that whether the person provoked further commits an illegal act or not is immaterial to draw the conclusion of culpability under Section 504 IPC. The "intentional insult" and provocation must be so proximate and close that the accused has either the intention or the knowledge that the intentional insult made by him is likely to cause the provoked person to break public peace or commit some other offence. However, what would be the nature of "intentional insult" causing provocation, to draw culpability under Section 504 IPC would depend upon the facts and circumstances of each case. The test to be applied to determine if the intentional insult made by the accused is sufficient to cause provocation is that of a reasonable person i.e. if the insult is sufficient to provoke any reasonable person to break peace or commit any other offence, only then the accused will be liable for the offence under Section 504 of the IPC."

10. In the present case, the alleged remarks were made during a political protest concerning public issues and were directed generally towards the functioning of the administration. It is also evident from the record that the Collector, against whom the alleged remarks were made, was not present at the spot. Moreover, the complainant is a halka Patwari not the Collector.

When the alleged words were not addressed in the presence of the concerned person and there is no material to show that the petitioner intended to provoke any person to commit breach of peace, the ingredients of Section 504 IPC cannot be said to be satisfied. Mere criticism or use of harsh words against an administrative authority during a political protest, without any



material to show deliberate provocation intended to incite breach of peace, would not constitute the offence under Section 504 IPC.

11. It is also pertinent to note the distinction between defamation and abuse. Defamation, which is governed by Section 499 IPC, relates to making or publishing imputations concerning a person with the intention of harming his reputation. On the other hand, the offences alleged in the present case relate to obscenity or intentional insult. Even if the allegations in the FIR are accepted in their entirety, they merely indicate that the petitioner allegedly made derogatory remarks about the functioning of the district administration during the course of a protest. Such allegations, at best, may amount to criticism or imputation affecting reputation, but they do not satisfy the ingredients of obscenity under Section 294 IPC or intentional provocation under Section 504 IPC. In other words, the allegations, even if taken at face value, do not disclose the commission of the offences for which the petitioner has been prosecuted.

12. Another significant aspect is that the FIR has been lodged by a *Patwari* on the directions of the Sub-Divisional Officer and the statements cited in the charge sheet are primarily of subordinate officers of the administration. Despite the alleged incident having occurred in a public place during a political gathering, no independent witness from the public has been cited in support of the prosecution case. The material collected during investigation, therefore, does not disclose the commission of any cognizable offence against the petitioner.

13. It is well settled that where the allegations made in the FIR and the material collected during investigation, even if taken at their face value, do



not constitute the ingredients of the alleged offences, the High Court would be justified in exercising its inherent jurisdiction to prevent abuse of the process of law.

14. In the considered opinion of this Court, the allegations made against the petitioner do not prima facie disclose the commission of offences under Sections 294 and 504 IPC. Continuation of the criminal proceedings in such circumstances would amount to abuse of the process of the Court.

15. Consequently, the present petition is *allowed*. The FIR registered vide Crime No. 896/2021 at Police Station Waidhan, District Singrauli (M.P.) for the offence under Sections 294 and 504 IPC and the consequential charge sheet dated 19.08.2021 as well as the criminal proceedings pending before the Court of Chief Judicial Magistrate, Singrauli in RCT No. 2345/2024 (State of M.P. Vs. Bansh Mani Verma) are hereby quashed. It is however clarified that this order shall not preclude the competent authority from taking recourse to any remedy available under law, if so advised.

(HIMANSHU JOSHI)
JUDGE