

IN THE COURT OF JUDICIAL MAGISTRATE -I, CHENGALPATTU

Present : Tmt.V.Lavanya, M.L.,

Judicial Magistrate - I, Chengalpattu.

Dated this the 03rd day of August 2026

STC No.1363/2025

JUDGMENT

State of Tamil Nadu,
Rep. by Inspector of Police,
D3 Palur Police Station,
Cr.No.32/2025.

. . .Complainant.

/Vs/

1) Mohanraj,
S/o.Raji,
No.6/A/1, Kancheepuram High Road,
Palur Village, Chengalpattu District.

2) Raju,
S/o.Radhakrishnan,
No.6/A1, Kancheepuram High Road,
Palur Village, Chengalpattu District.

. . .Accused persons.

This case is taken on file on 28.10.2025 and came up for final hearing on 28.07.2026 before me in the presence of Assistant Public Prosecutor appearing for the state and M/s.K.Sorubaraj, Advocate for the accused A1, A2 and upon perusing the document and having stood over till this day for the consideration of this court delivers the following:-

JUDGMENT

1) The brief of facts stated in the final report:-

On 25.02.2025 at about 07.30 P.M. when the A1 and A2 were burning the garbage opposite to their house, the PW1 Kannaiyan and PW2 Shankar questioned

them as to why there are burning the garbage in the public path. Hence, the A1 and A2 abused the PW1 and PW2 by uttering obscene words and thereby committed u/s.296(b) of IPC. Further, the A1 Mohanraj caused hurt to the PW2 Shankar by attacking with his hands and pushed PW2 on the ground and thereby committed offence u/s.115(2) of BNS. Hence, the Sub Inspector had filed final report as against A1 u/s.296(b), 115(2) of BNS and as against A2 u/s.296(b) of BNS.

2) Based on the above final report, this court had taken cognizance. The accused A1 and A2 are on appearance of summons were furnished with copies under section 230 BNSS.

3) The prosecution to prove their case has examined witnesses from PW1 to PW3 and document Ex.P1 to Ex.P4 and Ex.C1 were marked.

4) The prosecution witnesses PW1 to PW3 had deposed following facts before this court.

i) One Mr.Kannaiyan who is the defacto complainant is examined as PW1 in this case. He deposed that the accused Raji is his own elder brother. There was only a minor dispute between them regarding land, which led to a verbal quarrel. The PW1 got compromised with the accused. The signature in the compromise petition is admitted by the PW1 and the said signature is marked as Ex.C1. The dispute was related to the land. Later, through discussions, they settled the matter amicably. The PW1 admitted his signature in the complaint and the same is marked as Ex.P1. During the verbal quarrel, the son-in-law of PW1 namely Shankar was present at the spot and discussions also took place with him there. When PW1 went to the police

station to lodge the complaint, the police wrote the complaint themselves and asked the PW1 to sign it. The PW1 is treated as hostile and cross examined by the prosecution.

ii) The son-in-law of the PW1 namely Shankar is examined as PW2 in this case. He deposed that he is working in a private company. That A2 is a father-in-law to him. There was only a verbal dispute between Kannaiyan PW1 and Raji A2 and the A2 was there at the place of occurrence during the said incident. The PW2 is treated as hostile and cross examined by the prosecution.

iii) The PW3 Mr.K.Karunagaran is the investigation officer and he deposed about receiving complaint from the PW1, registration of first information report (marked as Ex.P2), preparation of observation mahazar and Rough Sketch (marked as Ex.P4 & P3) in the presence of witnesses namely Thooyavan and Subramani at the place of occurrence. The PW3 also deposed that he had examined the witnesses LW1 to LW7 and recorded their statements. After completing investigation, the PW3 filed final report as against the accused persons u/s.296(b), 115(2) of BNS.

5) The accused persons were explained about the incriminating evidence against them, as per section 351(1)(b) of BNSS. The Defence plea is total denial. No defence evidence adduced. When the case is pending for trial, the accused A1 and A2 filed compounding petition in CMP.No.1897/2026. The said petition is allowed in respect of 115(2) of BNS as it is compoundable offence and dismissed in respect of the offence u/s.296(b) of BNS as it is non-compoundable offence.

6) Records perused.

7) i) In this case on perusal of records, it is seen that the defacto complainant PW1 and the other victim PW2 had got compromised with the accused A1 and A2. In respect of offence u/s.115(2) of BNS the offence is compoundable by the person to whom the hurt is caused. In this case, the PW2 who is the person to whom the hurt is caused had already compromised with the accused A2 and the compounding of the offence is also permitted by this court. Hence, in respect of accusation u/s.115(2) of BNS the accused A2 is acquitted u/s.359(8) of BNSS.

ii) The next accusation is u/s.296(b) of BNS as against A1 and A2. On perusal of the evidence of prosecution it is seen that the victims PW1, PW2 in respect of whom the obscene words is said to have been uttered, did not been deposed in any evidence regarding the same.

iii) The PW1 and PW2 were treated as hostile and cross examined by the prosecution. The Prosecution did not elicit any fact to prove the accusation u/s.296(b) of BNS as against the accused persons. There is no other evidence, which is supports the case of the prosecution in respect of the above accusation. Hence, in view of the above stated reasons, this court finds that the offence u/s.296(b) of BNS is not proved by the prosecution through proper evidence.

In the result, the accused A1 and A2 are found not guilty u/s. 296(b) of BNS and accordingly they are acquitted as per section 278(1) of BNSS. The A2 is acquitted in respect of offence u/s.115(2) of BNS as per section 359(8) of BNSS.

Dictated to the Steno-typist, directly typed by her and corrected by me and

pronounced by me in the open court this the 03rd day of August 2026.

Judicial Magistrate No.I,
Chengalpattu.

Annexure:

List of complainant side Witnesses:

PW1	-	Mr.Kannaiyan
PW2	-	Mr.Shankar
PW3	-	Mr.K.Karunagaran

List of complainant side Exhibits :

Ex.P1/PW1	26.02.2025	Complaint Petition
Ex.P2/PW3	26.02.2025	First Information Report
Ex.P3/PW3	26.02.2025	Rough Sketch
Ex.P4/PW3	26.02.2025	Observation Mahazar
Ex.C1/PW1	-	Compoundable Petition

List of defence side witnesses : Nil.

List of defence side Exhibits : Nil.

Judicial Magistrate No.I,
Chengalpattu.