



2025:KER:57800

Crl.R.P No.344/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

TUESDAY, THE 5TH DAY OF AUGUST 2025 / 14TH SRAVANA, 1947

CRL.REV.PET NO. 344 OF 2025

CRIME NO.1877/2022 OF Nedumangad Police Station,

Thiruvananthapuram

ORDER DATED 18.10.2024 IN CMP 7778/2024 IN CC NO.1368 OF
2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, NEDUMANGAD

REVISION PETITIONER/ACCUSED:

ANAS MOHAMMED.M.

AGED 41 YEARS

S/O MOHAMMED ASHRAF, RESIDING AT DARUL AMANA, DARSANA
SCHOOL ROAD, VALIKODE, NEDUMANGAD.P.O.,
THIRUVANANTHAPURAM, PIN - 695541

BY ADVS.

SRI.A.RAJASIMHAN

KUM.VYKHARI.K.U

RESPONDENT/STATE:

STATE OF KERALA

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

SMT PUSHPALATHA M.K., SR. PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 28.07.2025, THE COURT ON 05.08.2025 DELIVERED THE
FOLLOWING:



ORDER

The petitioner, a Motor Vehicle Inspector, was booked by the Nedumangad Police, for the commission of offence under Section 294(b) and Section 509 I.P.C for the alleged act of scolding and verbally abusing a lady, during her driving test. It is alleged that, on 14.10.2022, at about 12:00 noon, while the petitioner was travelling along with the de facto complainant in her car, during the course of her driving test, he verbally abused her for arriving for the driving test without trimming her nails. According to the de facto complainant, the outrageous words uttered by the petitioner insulted her modesty, and hence he is guilty of commission of the aforesaid offences.

2. After the completion of the investigation, the S.I. of Police, Nedumangad laid the final report before the Judicial First Class Magistrate Court-II, Nedumangad, alleging the commission of the offences under Sections 294(b) and 509 IPC by the petitioner/accused.

3. Pursuant to the appearance of the petitioner before the learned Magistrate, he filed C.M.P No.7778/2024 seeking discharge, stating the reason that the offences alleged against him are not



attracted, even if the entire allegations levelled by the prosecution are accepted as such. After hearing both sides, the learned Magistrate dismissed the above petition, as per the order passed on 18.10.2024. It is the aforesaid order, which is under challenge in this revision petition.

4. In the present petition, the petitioner would contend that he is totally innocent and that he has been falsely implicated in the case. The petitioner would further contend that, even if the accusations levelled by the investigating agency in the final report are accepted as such, it would not constitute the offences alleged against him.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State of Kerala.

6. The following are the allegations levelled by the de facto complainant in her first information statement against the petitioner/accused:

The petitioner, during the course of the driving test, while both of them were inside the car driven by the de facto complainant, took note of the long nails of the de facto complainant and angrily asked whether she had come for the driving test without trimming the nails. It is further stated that



the petitioner had commented that his body would become septic due to the long nails of the de facto complainant. The petitioner is also alleged to have asked the de facto complainant whether he should trim her nails. According to the de facto complainant, the petitioner made the comment that she should be taken for a bath before embarking upon the driving test. Another allegation against the petitioner is that he made the comment that certain off-springs of immoral ladies would come for driving test without brushing their teeth, taking bath and trimming their nails. When the de facto complainant told the petitioner that she is working in a bank, he is said to have angrily retorted, who had recruited her to the bank. The petitioner is also alleged to have shouted at the de facto complainant to get out of the car by referring her as the daughter of an immoral lady. He also warned the persons associated with the driving school, who were present there, against bringing such ladies for the driving test.

7. As regards the offence under Section 294(b) I.P.C, it has to be stated that the aforesaid section is apparently not attracted, in the facts and circumstances of the case, since the incident is said to have



taken place inside a car which was in motion. It cannot be said that the private space inside the above car where the accused allegedly uttered the abusive words, would come within the term of public place envisaged under Section 294(b) I.P.C. That apart, the words allegedly uttered by the petitioner cannot be termed as obscene words within the meaning of Section 294(b) I.P.C. This is because of the reason that the aforesaid words cannot be said to be of such a nature as appealing to the prurient interest of any person or words tending to deprave and corrupt the persons, who are having the occasion to hear those words.

8. Coming to Section 509 I.P.C, the term 'modesty' envisaged thereunder, is an attribute associated with female human beings as a class and that, it is a virtue which attaches to a female owing to her sex. It is well settled that the ultimate test for ascertaining whether modesty has been outraged is, if the action of the offender as such could be perceived as one which is capable of shocking the sense of decency of a woman. Thus, the pertinent aspect to be looked into is whether there is sufficient material to show that the accused was having the intention and knowledge to insult the modesty of the de facto complainant. It is also necessary to ascertain whether the act of the



accused was intended to shock the sense of decency of the de facto complainant as a woman.

9. Going by the nature of the allegations levelled by the de facto complainant against the petitioner, it is not possible to say that the words allegedly spoken by the petitioner to the de facto complainant were intended to shock the sense of decency of the de facto complainant as a woman. Nor could it be said that the alleged act of the petitioner was having a sexual colour. At the most, it could be said that the petitioner had used filthy language upon the de facto complainant, enraged by the act of the de facto complainant who came for the driving test without trimming her nails. But the law is trite that the mere use of filthy language without any contextual framework or accompanying words indicating an intent to insult the modesty of the victim, would not constitute the offence under Section 509 I.P.C. It has been held by the Hon'ble Supreme Court in **Madhushree Datta v. State of Karnataka [(2025) 3 SCC 612]** as follows:

"28. The term "filthy language," when examined in isolation, and without any contextual framework or accompanying words, indicating an intent to insult the complainant's modesty, does not fall within the purview of S.509 of the IPC. Had there been references to specific words used, contextual



details, or any gestures - whether preceding, succeeding, or accompanying these words - that could demonstrate a criminal intent to insult the modesty, and it might have assisted the prosecution in establishing the case against the appellants."

10. As far as the present case is concerned, it is pertinent to note that, even if the whole allegations levelled by the de facto complainant against the petitioner in respect of the words uttered by him, while he was conducting the driving test, are accepted as such, it would not constitute the offence under Section 509 IPC. That being so, the prayer in this petition to set aside the impugned order passed by the learned Judicial First Class Magistrate Court-II, Nedumangad in C.M.P.No.7778/2024 in C.C.No.1368/2022, has to be allowed, and the petitioner has to be exonerated from the offences alleged against him.

In the result, the petition stands allowed as follows:

i) The order dated 18.10.2024 of the Judicial First Class Magistrate Court-II, Nedumangad in C.M.P.No.7778/2024 in C.C.No.1368/2022, is hereby set aside.

ii) The proceedings against the accused in C.C.No.1368/2022 on the files of the Judicial First Class Magistrate Court-II, Nedumangad,



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which arose out of Crime No.1877/2022 of Nedumangad Police Station,
are hereby quashed.

(sd/-)
G. GIRISH, JUDGE

jsr



APPENDIX OF CRL.REV.PET 344/2025

PETITIONER ANNEXURES

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| Annexure A1 | TRUE COPY OF THE FIR NO. 1877 OF 2022 OF NEDUMANGAD POLICE STATION |
| Annexure A2 | TRUE COPY OF THE COMPLAINT DATED 18-11-2022 SUBMITTED BY THE PETITIONER TO THE DISTRICT POLICE CHIEF, THIRUVANANTHAPURAM RURAL |
| Annexure A3 | TRUE COPY OF THE FINAL REPORT DATED 16-11-2024 IN FIR NO. 1877 OF 2022 OF NEDUMANGAD POLICE STATION |
| Annexure A4 | TRUE COPY OF THE PETITIONER'S DISCHARGE PETITION FILED AS CMP NO.7778 OF 2024 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, NEDUMANGAD |