



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16512 of 2023

AND

CRL MP NO. 10555 OF 2023,CRL MP NO. 10556 OF 2023

S.Raja
S/o. Subramaniam,
No.211, C Sathi Road,
Erode.

..Petitioner(s)

Vs

1. Inspector Of Police
Erode North Police Station, Erode District.
Cr.No.535/2020.
2. H.N.Maalin
State Coordinator, Bachpan Bachao Andolan
(bba), L 6, Kaal Kaaji, New Delhi.

..Respondent(s)

PRAYER

Criminal Original Petition filed under Sec.482 of Cr.P.C., praying to call for the records relating to SC.NO.64/2023 on the file of the learned Mahila Court, Erode and and quash the same.

For Petitioner(s): Mr. A.Nagarajan
for Mr. V.Anandhamurthy

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

R2 – No appearance



ORDER

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1. This Criminal Original Petition is filed to call for the records relating to S.C.No.64 of 2023 on the file of learned Mahila Court, Erode and to quash the same.

2. Upon hearing the learned counsel for petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing on behalf of 1st respondent, it is seen that the 2nd respondent has given a complaint to the 1st respondent to the effect that the petitioner has engaged the services of juveniles aged about 14 years and 16 years respectively and that they have been made to work for 10 hours a day and that they are not paid adequately. On the strength of the said complaint, a First Information Report was registered in crime No.535 of 2021 and thereafter investigation is complete. Now the final report is laid complaining offences under Sec. 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Sec. 3A and 14 (1A) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

2. Firstly, on a careful perusal of Sec. 79 of the Juvenile Justice (Care and Protection, it can be seen that the essential ingredient is to ostensibly engaging a child and keeping in bondage for the purpose of employment and withholding his earnings is the act, which is punishable. In the instant case, there is no



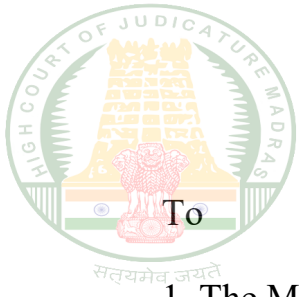
bonded labour that is alleged. The petitioner is having a retail shop employed child labour and did not pay him adequate wages is the allegation. There was no evidence made or the child is kept under bondage. Even taking the allegations of the prosecution on face value, the offence under Sec.79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is not made out.

3. As far as the allegations under Sec. 3A and 14 (1A) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is concerned, it can be seen that for the violation of the provisions of the very same Act, the learned District Collector, Erode had initiated proceedings dated 23.12.2021 and the petitioner pleaded guilty and paid a fine of Rs.10,000 and the punishment is already inflicted on the petitioner.

4. In view thereof, merely by mentioning alternative provision of law for the same allegation, the second prosecution cannot be launched. In view thereof, this Criminal Original Petition deserves to be allowed. The final report and all further proceedings in SC No.64 of 2023 on the file learned Mahila Court, Erode shall stand quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

22-07-2026

Neutral Citation: Yes/No
RPP



To

1. The Mahila Court, Erode.

2. The Inspector of Police,
Erode North Police Station,
Erode Dt.

3. The Public Prosecutor,
High Court, Madras.

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CRL OP No. 16512 of 2



D.BHARATHA CHAKRAVARTHY J.

RPP

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