

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.8040 of 2013

and

M.P.No.1 of 2013

Thiagarajan
S/o.K.S.Pattabiraman Chettiyar ...Petitioner/A2

Vs.

1.State represented by
The Inspector of Police,
Tindivanam Police Station,
Tindivanam.

2.M.K.Mohammed Ismail Respondents

Criminal Original Petition filed under Section 482 of the
Criminal Procedure Code praying to call for records in FIR in
Crime No.297 of 2013 on the file of first respondent.

For Petitioner: Mr.V.Gopinath, senior counsel
for Mr.S.Suresh

For Respondent: Mr.M.Mohammed Riyaz
Government Advocate [Crl.side] [R1]
Mr.S.Anbazhagan [R2]

O R D E R

Petitioner/A2 seeks quash of proceedings in Crime No.297 of
2013 on the file of first respondent insofar as he is concerned.

2. First respondent police registered a case in Crime
No.297 of 2013 for offences u/s.23 of the Juvenile Justice (Care
and Protection of Children) Act, 2000. The complaint accusation
is that the son of the de facto complainant was a 12th standard
student at National Higher Secondary School. On 24.01.2013,
first accused, school teacher, upon noticing that the son of the
de facto complainant was in discussion with another student in a
model exam, beat him severely owing to which he emotionally was

affected. One Santha, teacher of the son of the de facto complainant, visited him at his house and informed the petitioner that since the first accused beat him in front of other students, the son felt ashamed and mentally was disturbed. The son of the de facto complainant has not attended the public examination due to the said incident. Petitioner, who is the Correspondent and Secretary of the School, is arrayed as second accused in Crime No.297 of 2013 on the file of first respondent. Seeking quash of such complaint, the present revision has been filed.

3. Heard learned senior counsel for petitioner, learned Government Advocate [Crl.side] for first respondent and learned counsel for second respondent.

4. Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000, reads as follows:

"23. Punishment for cruelty to juvenile or child.- Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both."

5. On consideration of the allegations in the complaint above informed, it is apparent that no offence u/s.23 of the Juvenile Justice (Care and Protection of Children) Act, 2000, can be attributed to the petitioner.

The Criminal Original Petition is allowed. The proceedings in Crime No.297 of 2013 on the file of first respondent is quashed insofar as this petitioner is concerned. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

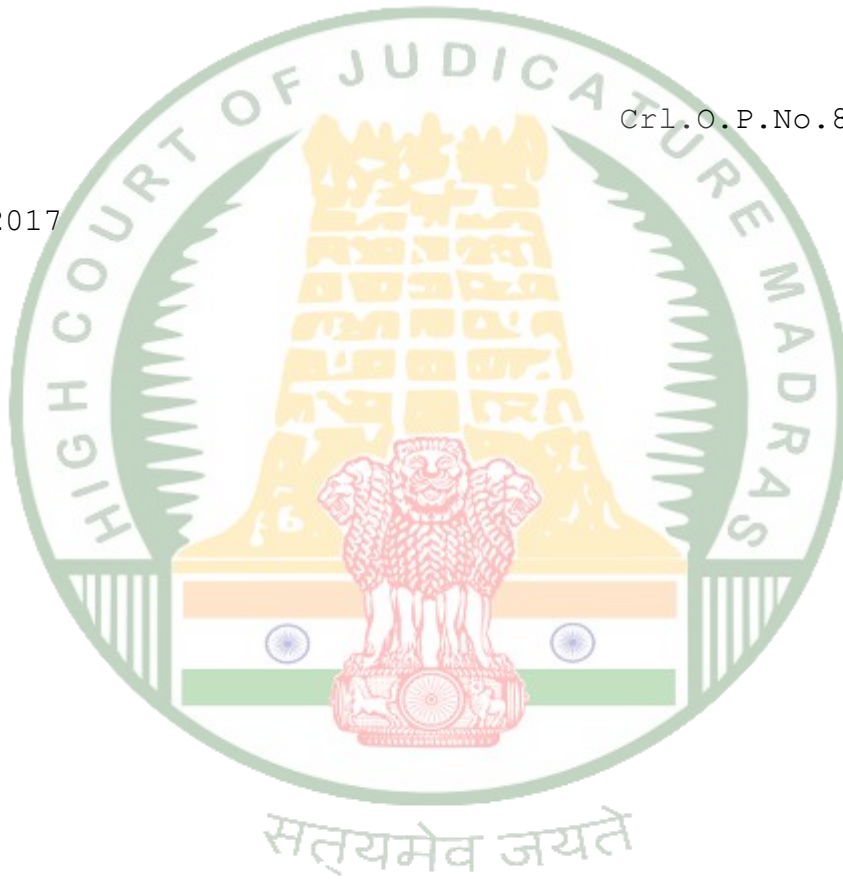
To

1.The Inspector of Police,
Tindivanam Police Station,
Tindivanam.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8040 of 2013

sks[co]
srg 5/06/2017



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