



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.2733 of 2017

and

Crl.M.P. (MD)Nos.2090 and 2091 of 2017

1.Kumar

2.Isakimuthu

[Represented through his father -cum-

natural guardian Sekar] : Petitioners/Accused Nos.2 and 3

Vs.

1.State through

The Sub Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.

(In Crime No.87 of 2015) : 1st Respondent/Complainant

2.Meena

: 2nd Respondent/Defacto-Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records connected with the charge sheet relating to the petitioners in J.J.No.163 of 2015 on the file of the Juvenile Justice Board, Tirunelveli and quash the same as illegal.

For Petitioners : Mr.R.Alagumani

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

O R D E R

The petitioners are Juveniles and they are facing prosecution in J.J.No.163 of 2015 before the Juvenile Justice Board, Tirunelveli District, for offences under sections 457 and 380 of the Indian Penal Code.

2. It is the case of the prosecution that the petitioners herein along with Accused No.6, who is not a Juvenile, had trespassed into the house of the defacto complainant and stolen certain properties.



3. The learned Government Advocate (Criminal Side) submitted that the trial has begun and two witnesses have been examined before the Juvenile Justice Board.

4. Mr.R.Alagumani, learned counsel for the petitioners submitted that the recovery in this case was done only six months later.

5. In the considered opinion of this Court, when once trial has begun, the prosecution cannot be quashed in a routine manner. That apart, there are *prima facie* materials against the petitioners herein and, therefore, this is not a fit case to quash the prosecution.

6. In the result, this petition is devoid of merits and accordingly, the same is dismissed, however, with a direction to the Juvenile Justice Board, Tirunelveli District, to dispose of the case, preferably, within a period of six months from the date of receipt of a copy of this order, provided, the petitioners cooperate in the disposal, by cross-examining the witnesses on the day they are examined in chief. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Juvenile Justice Board,
Tirunelveli.

2.The Sub Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No. 14577

SML/MR

AE/SKN RSK/21.03.2017/2P/5C