



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASHCRL.O.P. (MD) No. 7586 of 2017 &
Crl.M.P. (MD) .No. 5193 of 2017

1. P. Parthiban
S/o. Ponnuchamy
Represented by his natural guardian Mother,
P. Chinnathai
2. G. Azhaguraja
Represented by his natural guardian Mother,
G. Thangam. : Petitioners/Accused
(Rank not known)

-Vs-

1. State of Tamil Nadu
Rep. by Inspector of Police,
Susindram Police Station,
Kanyakumari District : Respondent/Complainant
(Crime No. 177 of 2017)
2. Inbarajan : Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the FIR in Crime No. 177 of 2017 on the file of the 1st Respondent Police and quash the same as illegal in so far as this petitioner is concerned.

For Petitioners : Mr. P. M. Vishnuvarthanan
For Respondents : Mr. K. Anbarasan
Government Advocate (Crl. Side)
for R.1

ORDER

On the complaint lodged by Inbarajan, the respondent police registered a case in Crime No. 177 of 2017 for the offence under Section 379 IPC against unknown accused.

2. It is the case of Inbarajan that there was a theft of 18 Coconut saplings from his Nursery and when he made enquires he learnt that 4 or 5 boys had come on the previous night in a tempo vehicle and had stolen the saplings. Nobody has been named in the



FIR. During police investigation, the involvement of these petitioners came to light. Sensing that, the petitioners have come forward for quashing the First Information Report.

3. The learned counsel for the petitioners submitted that the petitioners are juvenile and therefore, they are not at all involved in the offence and they have been falsely implicated.

4. In a case of dacoity, theft, house breaking etc., the *defacto complainant* will not give the names of the accused in the complaint. Only during police investigation, the involvement of various persons will come to light.

5. The learned Government Advocate submitted that based on the usage of the vehicle, the police had identified the petitioners involvement in the theft.

6. Therefore it is too early for this Court to interfere in the investigation for quashing the First Information Report. Assuming for a moment that the petitioners are juvenile, they will have to be dealt with only under the provisions of the Juvenile Justice Act, which is reformatory in nature and not punitive. In such circumstances, this petition is devoid of merits and accordingly it is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Susindram Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.M.VISHNUVARTHANAN, ADVOCATE IN SR No. 61013

JIKR

TE/MR/SAR-III : 29/06/2017 : 2P/4C

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