

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.11797 of 2018

and Crl.M.P.No.6213 of 2018

Minor J. Mirudhula
(Rep by her Mother and
Natural Guardian Naga Jothi)

...Petitioner

Vs

1.State rep.by
The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.

2.Nithya

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the entire records connected with Crime No.5 of 2018 pending investigation on the file of the 1st respondent police and to quash the same.

For Petitioner :Mr.E.Sathiyaraj

For Respondents :Ms.P.Kritika Kamal,
Government Advocate (Crl.Side)
for R1

ORDER

This petition has been filed to quash the proceedings in Crime No.5 of 2018 pending investigation on the file of the 1st respondent police.

2.On the complaint lodged by Nithya, the respondent police have registered a case in Crime No.5 of 2018 on 03.01.2018 for the offences under Sections 294(b), 323 and 506 (i) of IPC and Section 4 of the TN Prohibition of Harassment of Women Act, 2002, against Rajasekar and others. For quashing which, Minor J.Mirudhula/A7 is before this Court.

3.Heard Mr.E.Sathiyaraj, learned counsel appearing for the petitioner as well as Ms.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the 1st respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner Mirudhula is a minor girl and her name ought not to have been included in the FIR. However, on reading of the FIR, it is seen that the defacto complainant has alleged that the petitioner had also assaulted her. Therefore, the name of the petitioner has been included in the FIR. The learned counsel appearing for the petitioner further submitted that no charge sheet can be filed against Mirudhula before the regular Court and prosecution, if any can be launched only before the Juvenile Justice Board. Since there are prima facie materials, the FIR cannot be quashed.

Hence, this Criminal Original Petition is closed with a direction to the respondent police to conduct a thorough enquiry and if it is found that Mirudhula was not involved in the offence, it is needless to state that further action can be dropped against her. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-viii)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.E.SATHIYARAJ, Advocate, S.R.No.30400

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MP (CO)
TR(16/05/2018)