



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Cr1 OP(MD)No.14089 of 2018
and
Cr1 MP(MD)No.6322 of 2018

Wilfred

... Petitioner

Vs.

1. The State represented by
The Inspector of Police,
Aykkudi Police Station,
Tirunelveli District.
[Cr.No.182 of 2014]

2.Louisleval

... Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records pertaining to the case in Crime No.182 of 2014 on the file of the Inspector of Police, Ayakudi Police station, Tirunelveli District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
For Respondent No.1 : Ms.S.Bharathi,
Government Advocate(Cr1 Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the case in Crime No.182 of 2014 on the file of the respondent Police.

2.When the matter came during last occasion on 20.08.2018, this Court passed the following order:

"The learned Government Advocate Ms.S.Bharathi, has submitted the record to the effect that the petitioner was not a Juvenile on the date of offence was committed. The Transfer Certificate issued by Saraswathi Vidyalaya Higher Secondary School, Aykudi, in which the petitioner underwent his schooling, has been produced before this Court, in which, the date of birth is mentioned as 05.07.1994. Going by the status with regard to the petitioner, he was not a juvenile on the date of occurrence. Learned Counsel for the petitioner wants to get instructions in this regard."



3.Today, the learned Counsel for the petitioner on instructions would submit that the actual date of birth of the petitioner is 05.07.1995.

4.The date of occurrence was 06.12.2014. Therefore, even going by the date of birth submitted by the learned Counsel for the petitioner, the petitioner was aged more than 18 years on the date of occurrence. Therefore, he was not a juvenile on the date of occurrence.

5.The respondent Police at the time of filing of the final report had by mistake mentioned that the petitioner was a juvenile and hence, a separate final report will be filed before the Juvenile Justice Board. The respondent Police have now found that there was a mistake on their part to have mentioned so in the final report and they should have filed the report before the same Court in which final report was filed for A-1 and A-2.

6. Status report has also been filed in this Court by the first respondent Police. Presently, the final report has been filed insofar as A-1 and A-2 are concerned and the same has been taken cognizance of by the learned Judicial Magistrate, Senkottai in CC.No.48 of 2016.

7.The first respondent is directed to file a final report insofar as the petitioner is concerned before the learned Judicial Magistrate, Senkottai within a period of two weeks from the date of receipt of a copy of this order.

8.The Criminal Original Petition is disposed of with the above directions. Consequently, CrI MP(MD) No.6322 of 2018 is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Inspector of Police,
Aykkudi Police Station,
Tirunelveli District.

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

Dsk

MK/RSK/SAR 2/17.09.2018/2P/3C