



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD) No.15642 of 2013

and

M.P. (MD) No.2 of 2013

1. A.Gnanasekaran,
The Correspondent,
L.M.S. Higher Secondary School,
Mathicode,
Palappallam Post,
Kanyakumari District - 629 159.

2. R.V.Anila,
Warden,
C.S.I. Girls Home,
L.M.S. Higher Secondary School Campus,
Mathicode,
Palappallam Post,
Kanyakumari District - 629 159.

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Karungal Police Station,
Kanyakumari District.

2. The District Social Welfare Officer,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the First Information Report under Cr.No.452 of 2013, dated 20.08.2013, on the file of the Inspector of Police, Karungal Police Station, Kanyakumari District and quash the same insofar as the petitioners are concerned.

For Petitioners	:	Mr.S.Xavier Rajini
For Respondents	:	Mr.A.Robinson
		Government Advocate
		(Criminal side)

**ORDER**

The petitioners have been shown as Accused Nos.3 and 4 in Crime No.452 of 2013 on the file of the first respondent police.

2.The substance of the FIR is that the petitioners are running a Children's Home without registering the same. It is seen in the FIR that the petitioners have been implicated under Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 [hereinafter referred to as 'the Act']. Section 23 of the Act deals with causing cruelty to a Juvenile or a child. In this case, there is no such allegation against the petitioners.

3.This Court went through the relevant provisions of the Act. It is seen that there is no specific provision for penalising those who are running the Children's Home without registering the same. If there is no provision for an offence, the petitioners cannot be obviously charged with the same. A reading of the FIR as a whole, does not make out any offence against the petitioners herein. Therefore, the impugned FIR in Crime No.452 of 2013, dated 20.08.2013, is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
2. The District Social Welfare Officer,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 4 CC TO Mr.XAVIER RAJINI, ADVOCATE IN SR No. 60922

SMN2

TE/JC/SAR-3 : 28/04/2018 : 2P/8C

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