



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

WEB COPY

Crl.O.P(MD).Nos.3356, 3436 and 3437 of 2019 and
WP(MD).No.23178 of 2018 and CRL.M.P(MD).Nos.1953 to 1956 of 2019 in
Cr.OP(MD).No.3436 of 2019 and Crl.M.P(MD).No.1897 and 1898 of 2019
in Crl.O.P(MD).No.3356 of 2019

Crl.O.P(MD).Nos.3356,3436 and 3437 of 2019

M. Vishnu .. Petitioner / accused
in all Crl.O.Ps.

Vs.

1.Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi, Madurai District. .. 1st respondent in all
Crl.O.Ps.

2.S.Sankaralingam ..2nd respondent / defacto complainant
in Crl.O.P.(MD).No.3436 of 2019

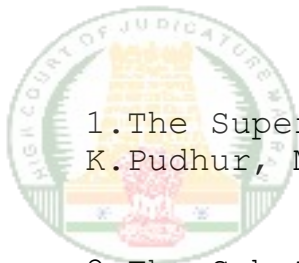
2.M. Varatharajan ..2nd respondent / defacto complainant
in Crl.O.P.(MD).No.3437 of 2019

2.P. Alluguswamy ..2nd respondent / defacto complainant
in Crl.O.P.(MD).No.3356 of 2019

Common Prayer: These Criminal Original Petitions are filed to call for the records and quash the charge sheet in Crime Nos. 263, 262 and 277 of 2013 pending as J.C.Nos.144, 143 and 142 of 2018, on the file of the Juvenile Justice Board, Madurai District against the petitioner.

WP(MD).No.23178 of 2018

M. Vishnu .. Petitioner



1.The Superintendent of Police,
K.Pudhur, Madurai.

2.The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi, Madurai District.

.. Respondents

Prayer: This petition is filed to issue a Writ of Mandamus directing the first respondent to consider his representation dated 27.10.2018 and thereby to direct the second respondent to hand over his original passport or any other orders.

For Petitioner in all cases : M/s. G. Genil

For Respondent No.1 in

all cases : Mr.A.P.G. Ohm Chairma Prabhu
Government Advocate (Crl. Side)

COMMON ORDER

The Writ Petition in W.P(MD).No.23178 of 2018 is filed to direct the first respondent to consider the petitioner's representation, dated

27.10.2018 and thereby, to direct the second respondent to hand over his original passport.

2. All the Criminal Original Petitions are filed to quash the J.C.Nos.144, 143 and 142 of 2018, pending on the file of the Juvenile Justice Board, Madurai District. The case of the petitioner is that the petitioner's parents have entered in job racketing and have been collecting amounts. The allegation is that some amounts have been given to the petitioner for routing the same to his parents. Admittedly, the petitioner was a minor at that time. In these circumstances, the petitioner has come forward with these petitions to quash the aforesaid three cases.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent in all the cases.

4. It is not the case of the prosecution that the petitioner had made any false representation or had obtained amounts from the de facto complainants for his benefits. Even going by the prosecution versions, he is appeared to have been used as a tool by his parents to receive the amounts. Though the prosecution alleged that the petitioner actively participated in the commission of offence, the poor boy has been used only as puppet and there is no specification of his act.



5. Further, the learned counsel for the petitioner submitted that the commission of offences in J.C Nos.144 of 143 of 2018 said to have been occurred either on 04.05.2012 and for the period from 04.05.2012 to 26.10.2012 respectively. But, the petitioner went to Chennai to appear for Medical Entrance test, that was took place on 06.05.2012. Secondly, so far as J.C.No.142 of 2018 is concerned, the offence is said to have been occurred from 20.11.2012 to 15.01.2013. The learned counsel for the petitioner submitted that the petitioner had by then travelled to China to prosecute his studies and the Passport says that he left India on 04.11.2012 itself. The Passport, which has been in the custody of the Juvenile Justice Board, is made available before this Court, by the Registry of this Court. As observed, the petitioner has been granted Visa to enter China before 23.11.2012.

6. Looking from every conceivable angle, this Court finds it is a case where the petitioner either could not be present on the dates on which he is said to have been present, and even if the prosecution case is to be trusted still no offence is made out against the petitioner.

7. Hence, all the three Criminal Original Petitions are allowed and J.C.Nos.144, 143 and 142 of 2018, pending on the file of the Juvenile Justice Board, Madurai District, against the petitioner are quashed. In view of the order passed in the Criminal Original Petitions, the Writ Petition is also allowed. Consequently, connected Miscellaneous Petitions are closed.

8. Registry is directed to return the Passport to the concerned Juvenile Justice Board, where the petitioner's passport obtained from where the petitioner is directed to obtain.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The Superintendent of Police,
K.Pudhur Madurai.

3.The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Kallikudi Police Station,
Kallikuri, Madurai District.



4. The Sub Inspector of Police,
Kallikudi Police Station,
Kallikudi, Madurai District.

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

+2cc to Mr.G.CENIL, Advocate, SR.No. 55540,55539

Cr1.O.P(MD).Nos.3356, 3436 and 3437 of 2019 and
WP(MD).No.23178 of 2018 and
CRL.M.P(MD).Nos.1953 to 1956 of 2019 in
Cr.OP(MD).No.3436 of 2019 and
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Cr1.O.P(MD).No.3356 of 2019

KK/SAR/15.04.2019/ 4P- 8C