



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. (MD) No. 3747 of 2019

WEB COPY

Sankar

... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Eriodu Police Station,
Dindigul District
Crime No.180 of 2016

... 1st Respondent/Complainant

2. Alagarsamy

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition - filed under Section 482 of Cr.P.C to call for the records relating to the FIR in Crime No.180 of 2016 dated 30.04.2016 on the file of the respondent and quash the same.

For Petitioner	: Mr.V.Angusamy
For R1	: Mr.V.Neelakandan Additional Public Prosecutor
For R2	: Mr.I.Vel Pradeep

O R D E R

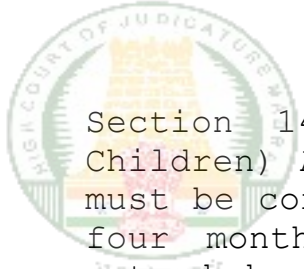
This Criminal Original Petition has been filed to quash the First Information Report in Crime No.180 of 2016 dated 30.04.2016 on the file of the first respondent police.

2. Heard learned counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the 1st respondent and learned counsel appearing for the 2nd respondent.

3. The petitioner herein, a juvenile, is accused of committing the offences under Sections 279 and 304(A) IPC. The date of occurrence is 28.04.2016.

4. The learned counsel for the petitioner submitted that the second respondent, son of the victim of a road accident, is the defacto complainant and both the petitioner and the second respondent have decided to bury the difference.

5. In the context of recent judgment of the Hon'ble Supreme Court in **Subhash Chand Vs. State of Punjab** [in Criminal Appeal No.1827 of 2009] even though the offence under Section 304(A) IPC is one rooted in criminal negligence, still has to be viewed seriously as it involves death of a person. However, the case presented herein stands at slightly different footing. Under



Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, enquiry against Juvenile in conflict with law must be concluded by the Juvenile Justice Board within a period of four months and if it cannot be so concluded, period can be extended only by another two months. Section 14(4) of the said Act makes a positive provision to the effect that in all cases of petty offences if enquiry remains inconclusive even after extended period, then the proceedings shall stand terminated.

6. Section 246 IPC defines a petty offence as one carrying imprisonment upto 3 years whereas the punishment provided for offence under Section 304(A) IPC is imprisonment upto 2 years.

7. Therefore, since the petitioner, as a juvenile, faces a petty offence within the meaning of Section 14 of the said Act, this Court steps-in to terminate the entire proceedings. Without going into the question whether the offence is compoundable under Section 482 Cr.P.C, this Court chooses to terminate the entire proceedings. Accordingly, the First Information Report in Crime No. 180 of 2016 dated 30.04.2016 on the file of the first respondent police is hereby quashed.

8. In fine, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Eriodu Police Station,
Dindigul District.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-56375[F] dated 25/03/2019)

CM

Cr1.O.P. (MD) No.3747 of 2019
21.03.2019

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