



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P. [MD]No.5255 of 2019

and Cr1.M.P. (MD)Nos.3302 and 3303 of 2019

WEB COPY

1. Joe Lathesh Vethamony

2. Getziyal : Petitioners/Accused No.1 & 2

/Vs./

1. State of Tamil Nadu,

Rep. By the Sub Inspector of Police,

South Thamarikulam Police Station,

Kanyakumari District.

(FIR in Crime No.418/2014) : 1st Respondent/Complainant

2. Rajapathi

: 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the impugned charge sheet in C.C.No.206 of 2015 on the file of the learned Judicial Magistrate Court No.III, Nagercoil dated 20.02.2015 filed in FIR in Crime No.418/2014, dated 23.12.2014 registered on the file of the first respondent under Section 23 of Juvenile Justice (Care and Protection of Children) Act, 2000.

For Petitioners : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.K.Suuyambulingha Bharathi

No.1 Government Advocate (Cr1.Side)

ORDER

The present case has been filed to quash the proceedings in C.C.No.206 of 2015 on the file of the learned Judicial Magistrate Court No.III, Nagercoil dated 20.02.2015.

2. The accused persons are running a registered Home in the name of Sarojini Life Centre. The District Child Protection Officer / second respondent visited the said Home and found that the children were not given any food and the investigation further reveals that the children were abused by the accused persons, for which the District Child Protection Officer filed a case before the respondent police. The Law Enforcing Officer after completing the investigation filed final report before the learned Magistrate Court No.III, Nagercoil. The learned Magistrate after taking cognizance of the offence assigned C.C.No.206 of 2015.

3. Though the learned counsel for the petitioners raised several grounds for quashing the calender case on the file of the



learned Judicial Magistrate No.III, Nagercoil, he on instructions submitted that it would suffice if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in this petition before the trial Court.

4. The learned Government Advocate (Crl.Side) also conceded to the said request.

5. In the light of the abovesaid submission made by the learned counsel, this Court, without going into the merits of the case, directs the learned Judicial Magistrate No.III, Nagercoil, to complete the trial in C.C.No.206 of 2015, within a period of six months from the date of receipt of a copy of this order. The petitioners are also directed to cooperate with the trial proceedings.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Judicial Magistrate Court No.III,
Nagercoil.

2.The Sub Inspector of Police,
South Thamarikulam Police Station,
Kanyakumari District.

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

+1CC TO MR.P.M.VISHNUVARTHANAN, Advocate Sr. No.61213

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15.04.2019

DKS (CO)
TR (10.05.2019) 2P 5C