



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27/10/2021

CORAM:

THE HONOURABLE MR JUSTICE G.ILANGOVAN

Crl. O.P. (MD) No.12772 of 2021

and Crl. M.P. (MD) Nos.6573 & 6574 of 2021

WEB COPY

1. Govindhasamy

2. Yogaraj

... Petitioners/Accused Nos.2 & 15

Vs.

The State,
Rep. by Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Crime No.151 of 2009)

... Respondent/Complainant

Prayer : The Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with the Charge Sheet filed in J.C.No.16/11 pending on the file of the learned Judicial Magistrate No.III (Cum) Juvenile Justice Board, Madurai, Madurai District and quash the same.

For Petitioners	:	Mr.S.P.Naveenkumar
For Respondent	:	Mr.K.Sanjai Gandhi, Government Advocate (Crl. side)

O R D E R

This Criminal Original Petition is filed to quash the Charge Sheet filed in J.C.No.16/11 pending on the file of the learned Judicial Magistrate No.III (Cum) Juvenile Justice Board, Madurai, Madurai District.

2. The case of the prosecution is that on 10.09.2009 at about 9.30 a.m., the accused persons numbering about 25 assembled in an unlawful manner and constituted an unlawful assembly demanding action against the persons, who assaulted the students studying in Krishnan Kovil Higher Secondary School and obstructed the movement of the vehicles and also staged a demonstration without prior permission. So on the basis of the *suo mottu* registration of Crime No.151 of 2009 investigation was undertaken and materials were collected and after completing the formalities of the investigation, final report has been filed before the Judicial Magistrate, Juvenile Justice Board, Madurai, stating that all the accused persons committed the under Sections 147, 341 and 188 of IPC and was also taken cognizance as J.C.No.16 of 2011 by the Juvenile Justice Board, Madurai. Seeking quashment of the above said proceedings, this petition is filed mainly on the ground that the co-accused in this matter have been acquitted after a full-fledged trial.



3. Heard both sides.

4. Finding that it is a matter of the year 2011 and a simple issue which involves spontaneous protest of school going boys a report was called for from the Judicial Magistrate, Juvenile Justice Board, Madurai, as to the stage of the proceedings since it is pending from 2011, in response to which, the Judicial Magistrate, Juvenile Justice Board, Madurai, has also submitted a report wherein, it has been stated that originally the case was taken on file in Judicial Magistrate, Juvenile Justice Board, Madurai, as J.C.No.16 of 2011 on 09.01.2011. Since the place of occurrence lies within the jurisdiction of the Virudhunagar District, after the constitution of the above said Juvenile Justice Board after 2013 a request has been made by the Inspector of Police, Krishnankovil Police Station, to transfer the above said case to Juvenile Justice Board at Virudhunagar District. Entire case records were transferred to Juvenile Justice Board at Virudhunagar District and it is pending before the above said board.

5. For a simple issue the parties are facing trial proceedings for the past 10 years which is violation of Section 14(4) of the Juvenile Justice (Care and protection of Children) Act, 2015, which reads as follows:

"If inquiry by the Board under sub-section(2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated".

6. Because the offence alleged against this petitioner is only a petty offence as defined under Section 2(45) of the Juvenile Justice (Care and protection of Children) Act, 2015, which reads as follows:

"petty offences" includes the offences for which the maximum punishment under the Indian Penal Code (45 of 1860) or any other law for the time being in force is imprisonment up to three years"

7. The offence alleged against this petitioner is punishable only 3 years and after the stipulated time, proceedings has not been completed and it has been kept pending for the past 10 years and only a request made by the Inspector of Police, Krishnankovil Police Station, now it is transferred to the Juvenile Justice Board at Virudhunagar District. So on this sole ground the proceedings J.C.No.16/11 pending on the file of the learned Judicial Magistrate No.III (Cum) Juvenile Justice Board, Madurai, Madurai District, (which is now transferred to the file of the Juvenile Justice Board at Virudhunagar District) is liable to be quashed and accordingly, the same is quashed.



8. This petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

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/ /2021

Sub Assistant Registrar (CS)

CM

To

1. The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.

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

3. The Juvenile Justice Board,
Virudhunagar.

4. The Judicial Magistrate No.III (Cum) Juvenile Justice Board,
Madurai

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MGJ/PM(18.11.2021) 3P 5C