



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2074 of 2022
and
Crl.M.P. (MD)No.1534 of 2022

xxxxxxx

... Petitioner/A-6

Vs.

1.State rep. by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

...1st Respondent/Complainant

2.Chandira Kala

...2nd Respondent/Defecto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the case in Crime No.497 of 2015 on the file of 1st respondent police as against the petitioner.

For Petitioner : Mr.E.V.Chandru
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent.

2.The petitioner was implicated as one of the accused in the impugned FIR. The FIR was registered for the offences under Sections 147, 148, 294(b), 427 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. The registration of the FIR was on 27.06.2015. Admittedly, the petitioner was a juvenile at the relevant point of time. The learned counsel for the petitioner draws my attention to Section 14 of the Juvenile Justice Act, 2015. The said provision reads as follows:-

14. (1) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(2) The inquiry under this section shall be completed



within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(3) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(4) If inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated: Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(5) The Board shall take the following steps to ensure fair and speedy inquiry, namely:-

(a) at the time of initiating the inquiry, the Board shall satisfy itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(b) in all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;

(c) every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry;

(d) cases of petty offences, shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973;

(e) inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973;

(f) inquiry of heinous offences,-

(i) for child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (e);

(ii) for child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed



under Section 15."

3. The said provision states that any proceeding against a juvenile in conflict with law will have to be concluded within a period of four months. The said period can be extended by further period up to two months. In any event, the proceeding cannot remain pending beyond six months. The learned counsel for the petitioner draws my attention to Section 14(4) of the Juvenile Justice Act, which states that if at the end of the period, the proceedings are still not concluded, they shall be terminated. The learned counsel for the petitioner relies on a catena of decisions in support of his contention that this provision is mandatory. In this case, the proceedings are hanging fire for almost seven years. Therefore, on this sole ground, the proceedings against the petitioner stand terminated. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.2074 of 2022
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SB (CO)

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