



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.112 of 2019

and

Crl.MP(MD)No.22 of 2019

V.Paramaguru
represented by his mother
V.Sabari Vidya

: Petitioner/Accused

Vs.

1.The Inspector of Police,
Othakkadai Police Station,
Madurai.

: R1/Complainant

2.Thiru.R.Jeevanram

: R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records and quash the FIR registered in Crime No.391 of 2018 dated 24.10.2018 on the file of the 1st respondent for the offence U/s.147,294(b),448,506 (i) IPC, so as to continue study of the petitioner.

For Petitioner : Mr.K.Guruchev

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

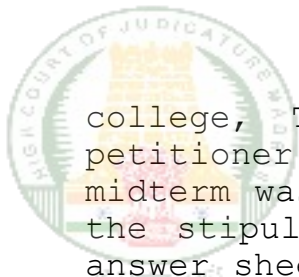
For 2nd Respondent : No appearance

O R D E R

This criminal original petition is filed seeking quashment of the FIR in Crime No.391 of 2018 on the file of the first respondent.

2.The case of the prosecution in brief:-

On 25/10/2018, the de-facto complainant lodged a complaint stating that he was working as Senior Technical Officer in CIPET
<https://hcservices.ecodrts.gov.in/hcservices/>



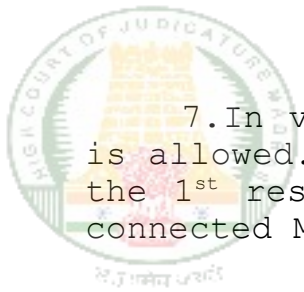
college, Thiruvathavur, Madurai District. In that college, the petitioner was a second year student. On 03/10/2018, the first midterm was conducted. The accused did not complete the test within the stipulated time. So the superintendent did not receive the answer sheet. So, the accused along with four students, came to his room and made a complaint. He replied that since they have not completed the examination within the stipulated time, answer sheet cannot be received. If at all, he can only re-write the examination. But the petitioner, who is the accused created trouble and also challenged him. Then, on 08/10/2018, again the accused informed him that they placed the answer sheet in the bureau. The conduct was condemned. At about 9.00 pm, the accused persons along with some 15 persons trespassed into the campus and criminally intimidated him. So the accused was suspended from the college. Even after the above said incident, the accused has not corrected himself. So he lodged a complaint, on 24/10/2018, based upon which, the above said case has been filed.

3. Seeking quashment of the same, this petition came to be filed by the petitioner on the ground that on the date of the alleged occurrence, he was juvenile. This is the only ground which can be entertained by this court. The other factual aspects stated in the petition cannot be taken into account.

4. Perusal of the records show that disciplinary action was initiated against the petitioner and he was also suspended because of his misconduct. Even though, counter allegation has been made against the de-facto complainant and others, I am not convinced that such a ground can be made out.

5. The entire CD file has been called for and perused, wherein we find that the date of birth of the accused is 28/02/2002. On the alleged date of the occurrence namely on 08/10/2018, he was only 16+. So he ought to have been proceeded under the provisions of Juvenile Justice Care and Protection Act. But it appears that no proper inquiry has been undertaken as per the provision of the above said Act. Even when the matter was heard, the first respondent has not informed the court that the enquiry has been undertaken under the provisions of the Juvenile Justice Care and Protection Act.

6. The date of occurrence stated to be 08/10/2018. As mentioned earlier, now more than 4 years lapsed. It appears that still the investigation has not been completed. So by this time, the petitioner would have completed his education also. Considering the factual situation and also considering the fact that the petitioner was juvenile at the time of the alleged occurrence and enquiry has not been undertaken as per the provisions of the Juvenile Justice Care and Protection Act, the entire proceedings is liable to be quashed in respect of this petitioner.



7.In view of the above facts, this criminal original petition is allowed. The impugned FIR in Crime No.391 of 2018 on the file of the 1st respondent is quashed against the petitioner. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (C.O)

// True Copy //

/06/2022

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,
Othakkadai Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP(MD)No.112 of 2019

19.04.2022

SS(27/06/2022) 3P 3C