

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.20888 of 2019

and

Crl.M.P. Nos.10768 & 10769 of 2019

P.Veeramoorthy

... Petitioner

Vs.

1. The State rep. by
The Superintendent of Police
District Police Office,
Tiruvarur District.

2. The State rep. by
The Inspector of Police
Muthupet Police Station
Tiruvarur District
(Crime No.1 of 2015)

3. Haleel Rehman

... Respondents

[The 1st respondent is not a necessary party in this petition and therefore the same is deleted]

[Amended as per order in CRL.OP.No.20888/2019 and CRL.M.P.No.10768 & 10769 of 2019 dated 05.08.2019]

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records pertaining to PRC No.22 of 2017 on the file of the learned Judicial Magistrate Court, Thiruthuraipoondi and to quash the charge sheet filed on the file of the 2nd respondent police.

For Petitioner	: No Appearance
For Respondents	: A. Damodaran, Additional Public Prosecutor [R.1 and R.2] : No appearance [R.3]

ORDER

When the matter was called on 06.03.2023, there was no representation for the petitioner, hence it has been listed on 07.03.2023 under the caption 'For Dismissal'. On 07.03.2023, at request of the petitioner's counsel, the matter was adjourned and listed today. Even today, there is no representation for the petitioner.

2. The petitioner seeks quashing of the case in PRC.No.22 of 2017 for the alleged offences under Section 147, 341, 323, 153(A), 506(i) of IPC and Section 3(1) of TNPPDL Act.

3. It is alleged that on 31.12.2014 at about 11.30 am, when the de-

facto complainant was standing near a Durgah, one Prabhakaran, son of Dharamaraja started quarrel by insulting his religion and slapped the de-facto complainant. The petitioner is shown as the 8th accused in the final report.

4. It is alleged that the petitioner along with the others assaulted the de-facto complainant. The only ground raised by the petitioner is that the petitioner was a minor on the date of occurrence i.e; on 31.12.2014 and hence the respondent police ought not to have filed a final report against him. He should have been prosecuted only under the Juvenile Justice Act.

5. The learned Additional Public Prosecutor submitted that even as per the petition, the petitioner was born on 30.07.1996, whereas, the occurrence took place on 31.12.2014. On the date of the occurrence, he had completed 18 years and hence there is no infirmity in the final report filed by the respondent.

6. This Court perused the Birth Certificate filed by the petitioner in

which his date of birth is shown as 30.07.1996. Admittedly, the alleged occurrence took place on 31.12.2014, hence the point raised by the petitioner that he can only be prosecuted under the Juvenile Justice Act cannot be countenanced. The petitioner had completed the age of 18 at the time of the alleged occurrence. In view of the same, there is no infirmity in the final report filed by the respondent, hence the Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

13.03.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation :Yes/No
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To

1. The The Superintendent of Police
District Police Office,
Tiruvarur District.
2. The Inspector of Police
Muthupet Police Station
Tiruvarur District.
3. Judicial Magistrate Court, Thiruthuraipoondi.

SUNDER MOHAN. J,

shr

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