



Crl.O.P.No.22687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.O.P.No.22687 of 2022
and Crl.M.P.No.14545 of 2022

Myrna Margaret Pereira

... Petitioner

Vs

1.The State rep by
The Sub Inspector of Police (Law & Order)
K9, Thiru Vi. Ka. Nagar Police Station,
Pulianthope, Chennai 600 082.

2.Daisy Rani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the impugned FIR in Crime No.313 of 2022 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.Sanjesh Mahalingam

For Respondent : Mr.L.Baskaran for R1
Government Advocate (Crl. Side)
Mr.B.Gopalakrishnan for R2



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ORDER

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This Criminal Original Petition has been filed to call for the records pertaining to the FIR in Crime No.313 of 2022 on the file of the first respondent Police and quash the same.

2.The petitioner is the Teacher and the second respondent is the mother of the Juvenile.

3.It is contended by the learned counsel for the petitioner that the offence under Section 23 of Juvenile Justice (Care and Protection) Act, 2000, is not attracted in the present case as the ingredients of the said Section have not been meted out. It is further contended that the petitioner had duly attended the investigation on the summons issued to her and the defacto complainant has not provided sufficient materials to show the injury suffered by her, due to the action of the petitioner. Many other contentions were also raised by the learned counsel for the petitioner.

4.Perused the averments made by the learned counsel for the petitioner in this petition.



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5. Counter Affidavit has been filed and the learned Government Advocate vehemently opposed the prayed made by the learned counsel for the petitioner for quashing the FIR.

6. Considering the relationship between the petitioner and the child and in the absence of materials to satisfy any one of the ingredients under Section 23 of Juvenile Justice (Care and Protection) Act, 2000 and also considering the fact that no useful purpose would be served in the investigation is allowed to be continued, this Court is inclined to quash the proceedings in Crime No.313 of 2022 pending on the file of the first respondent.

7.Hence, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

11.12.2023

Internet:Yes
Index:Yes/No
vkr



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VIVEK KUMAR SINGH.J.,

vkf

To

- 1.The Sub Inspector of Police (Law & Order)
K9, Thiru Vi. Ka. Nagar Police Station,
Pulianthope, Chennai 600 082.
2. The Public Prosecutor, High Court, Madras.

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