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CrI.O.P.No.32606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.32606 of 2022

and

CrI.M.P.No.20103 of 2022

Prabakaran,
S/o.Masilamani

... Petitioner

Vs.

1. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
Cr.No.226 of 1998.

2. Mr.Panneerselvam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records of the S.C.No.173 of 2015 pending on the file of the Hon'ble Additional District and Sessions Judge, at Mayiladuthurai and quash the same.

For Petitioner : Mr.B.Thiyagarajan

For Respondents : Mr.A.Gopinath
Government Advocate [CrI.Side]



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ORDER

This petition has been filed to quash the proceedings in S.C.No173 of 2015 pending on the file of the learned Additional District and Sessions Judge, at Mayiladuthurai

2. The case of the prosecution is that on 23.02.1998 at about 10.30 a.m., the accused persons had formed into a unlawful assembly with the common objective of damaging the public vehicles and causing injury to others with deadly weapons. The accused persons had assembled near Kacheri Road, Mayiladuthurai on the ground that they were protesting against the desecration of the statue of Amedkar. Pursuant to the same, they attacked two Head Constables, who suffered simple injuries. That apart, the accused persons have also caused damages to public properties.

3. A complaint was given in this regard by the second respondent and a FIR came to be registered in crime No.226 of 1998 on 23.02.1998. On completion of investigation, the final report was filed before the Court below as against 30 accused persons and the petitioner has been arrayed as A11 in the final report.



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4. Heard Mr.B.Thiyagarajan, learned counsel appearing for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing for the first respondent.

5. The main ground that was urged by the learned counsel for the petitioner is that the petitioner was aged about 16 years at the time of the incident and he was a juvenile at the time of occurrence and that the petitioner was tried along with the other accused persons. Therefore, it was contended that the proceedings pending against the petitioner before the Court below is illegal. It was further urged that the incident had taken place in the year 1998 and the final report itself came to be filed after more than 12 years.

6. There is no dispute with regard to the fact that the petitioner was aged about 16 years at the time of incident. The same is clear even from the final report that has been filed before the Court below. In view of the same, the petitioner could have been proceeded against only before the Juvenile Justice Board and the petitioner should not have been tried along with the other adult offenders before the regular Court. This procedure that was adopted by the first respondent is illegal and requires the interference of this Court.



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7. It will be too difficult to make the petitioner to undergo proceedings before the Juvenile Justice Board at this stage since the petitioner is now aged about 41 years. In view of the same, the continuation of the criminal proceedings as against the petitioner will be an abuse of Court and it requires the interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

8. In the result, the proceedings in S.C.No.173 of 2015 on the file of the learned Additional District and Sessions Judge, Mayiladuthurai is hereby quashed insofar as the petitioner is concerned.

Accordingly, this Criminal Original petition stands allowed.
Connected miscellaneous petition is closed.

13.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The Additional District and Sessions Judge,
Mayiladuthurai
- 2.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.
- 3.The Public Prosecutor,
Madras High Court.



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N.ANAND VENKATESH, J

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