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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.2990 of 2023

and

Cr1.MP(MD)No.2723 of 2023

Gowrisankar : Petitioner/A5

Vs.

1.State represented through
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
(In Crime No.499 of 2022) : R1/Complainant

2.M.Muthukumaravadival : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in FIR in Crime No.499 of 2022 on the file of the 1st respondent and quash the same as illegal as against the petitioners and pass such further or other orders.

For Petitioner : Mr.A.Mohamed Riyaz

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**O R D E R**

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This criminal original petition is filed seeking quashment of the case in Crime No.499 of 2022 on the file of the 1st respondent.

2.The case of the prosecution in brief:-

On 01/09/2021 at about 03.30 pm, when the de-facto complainant was working in the TASMACH shop, some 10 persons standing in front of the shop, quarreled with each other. At that time, a two wheeler was set on fire. Fearing that the fire will spread to the shop also, he closed the shutter. At that time, he was prevented from closure of the shutter, caused assault with bear bottle. When one Prabhu, who was working as cashier tried to intervene, he was also assaulted. Another bike was also set on fire. He was taken to the hospital. On the basis of the complaint, a case in Crime No.499 of 2022 was registered for the offences punishable under sections 147, 294(b), 332, 324, 353 and 435 IPC.

3. Seeking quashment of the same, this petition has been filed on the ground that the petitioner is not involved in the above said occurrence; He appeared for



4. Heard both sides.

6. The date of birth of the petitioner is 09/01/2004. The date of the occurrence stated to be on 01/09/2022. So it is seen that on the date of the above said occurrence, he was juvenile. Without even verifying the age of the petitioner, he has been subjected to investigation, without following the provisions of the Juvenile Justice (Care and Protection) Act.

7. It is seen that he was arrested and later, remanded to judicial custody, moved bail application and that was also ordered. It is further seen that the above said fact of juvenile was not informed to the court, either at the time of remand or at the time of bail



application. The investigation has been undertaken, even without referring to the age of the petitioner. On the sole ground, the criminal proceedings against this petitioner is liable to be quashed.

8. In the result, this criminal original petition is **allowed**. The FIR in Crime No.499 of 2022 on the file of the 1st respondent is herein quashed as against the petitioner/A5. Consequently, connected Miscellaneous Petition is closed.

23/06/2023

Index:Yes/No
Internet:Yes/No
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To,

1. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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