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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation : 28/06/2023

Date of Pronouncement : 21/07/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.7771 of 2023

Rajkumar @ Rajakumar : Petitioner/A4

Vs.

1.The State rep. by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.348 of 2012) : R1/Complainant

2.K.Kuruvaiah : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the case in Crime No.348 of 2012 on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District and quash the same in respect of the petitioner and pass such any or other orders.

For Petitioner : Mr.S.Balaji

For 1st Respondent : Mr.R.Suresh Kumar
Government Advocate
(Criminal side)

**ORDER**

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This criminal original petition has been filed seeking quashment of the FIR in Crime No.348 of 2012 on the file of the 1st respondent.

2.The case of the prosecution is that the accused persons numbering about 50 assembled unlawfully in the place of occurrence with deadly weapons, demanding closure of the Koodankulam Nuclear Power Plant. They caused disturbance to the traffic and public movement. They also damaged the Government vehicle bearing registration No.TN-60-G-0127, causing extensive damage. They also caused assault to some of the police people. They also sustained injury. Because of the above said injury, they were taken to the hospital. The accused persons have also stolen away some of the articles belongs to the police team worth about Rs.10,000/-. The damage also estimated at Rs.50,000/-. On the basis of the above said occurrence, a case in Crime No.348 of 2012 was registered for the offences under sections 147, 148,



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353, 431, 121(A), 124(A), 395, 307 IPC r/w section 149 IPC and section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act.

3. Seeking quashment of the same, this petition has been filed by the petitioner solely on the ground that no proper identification of the accused persons involved in the above said occurrence was taken place and he was minor at the time of the occurrence.

4. Heard both sides,

5. We need not go into the other aspects of the issue. The only point, which is raised by the petitioner is that suppression of the age of the petitioner at the time of the occurrence.

6. To show the age of the petitioner, he has produced the mark sheet, which shows that the date of birth of the petitioner is mentioned as 10/01/1997. The date of the alleged occurrence is 10/09/2012.



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7. When we calculate the age of the petitioner on the date of occurrence, it is seen that he was aged about 15+ at the time of the occurrence. Without properly identifying this petitioner and ascertaining the age at the time of the occurrence, this case has been filed against this petitioner.

8. As pointed out by this petitioner, this petitioner ought to have been proceeded as per the provisions of the Juvenile Justice (Care and Protection) Act, 2015. In spite of that, he has been proceeded as if he is an adult, which is not permissible under law. On the sole ground, the entire proceedings is vitiated, without going into other aspects.

9. In the result, this criminal original petition is **allowed**. The FIR in Crime No.348 of 2012 on the file of the 1st respondent is hereby quashed.

21/07/2023

Index: Yes/No
Internet: Yes/No
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- 1.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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