



Crl.O.P.(MD)No.11265 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11265 of 2023

and

Crl.M.P.(MD)Nos.8912 & 8913 of 2023

1.Lakshmanan

2.Prem Kumar

... Petitioners

Vs.

1.State through

The Inspector of Police,

Thiruchendur Police Station,

Thoothukudi District.

(Crime No.116 of 2017)

2.Thanga Muniyammal

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the recording relating to the Final Report in J.C.No.244 of 2022, dated 18.07.2017, on the file of the Juvenile Justice Board – Thiruchendur.

For Petitioners

: Mr.A.Joseph Jerry

For R1

: Mr.B.Nambiselvan

Additional Public Prosecutor



Crl.O.P.(MD)No.11265 of 2023

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ORDER

This Criminal Original Petition has been filed seeking to quash the Final Report in J.C.No.244 of 2022, dated 18.07.2017, on the file of the Juvenile Justice Board, Thiruchendur.

2. The case of the prosecution is that on 09.03.2017, a review meeting was conducted in Tiruchendure Union Office, at that time, at about 3.00 pm, the accused came to the office and abused the defacto complainant in filthy language, over lodging a complaint by her, prevented her from discharging her official duty. When the neighbours intervened, the accused criminally intimidated the defacto complainant. So, on the basis of the above said occurrence, a case in Crime No.116 of 2017, under Sections 147, 294(b), 353, 506 (ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, was registered and after investigation, charge sheet was filed and the same was taken on file as J.C.No.244 of 2022, dated 18.07.2017, on the file of the Juvenile Justice Board, Thiruchendur.

3. Seeking quashment of the same, this petition has been filed by the accused No.4 and 5, stating that in the parent case, viz., C.C.No.291 of 2017, the co-accused were acquitted, after full trial. He also produced the judgment copy, wherein, the trial Court found that the accused Nos.1 to 3



Crl.O.P.(MD)No.11265 of 2023

were tried in C.C.291 of 2017, by the Judicial Magistrate, Tiruchendur. Since this petitioners happened to be juveniles, the case against them were split up and listed before the Juvenile Justice Board.

4. In the parent case, viz., in C.C.No.291 of 2017, on the side of the prosecution, 10 witnesses were examined, 4 documents were marked. It was concluded that the prosecution has failed to establish the case beyond all reasonable doubt. So, accused Nos.1 to 3 were acquitted.

5. The learned counsel for the petitioners submitted that in both the cases, the witnesses are one and the same. No new ground is raised by the prosecution against this petitioners. So, even if they are subjected to trial process, no fruitful purpose will be served.

6. A reading of the above said judgment shows that no proper explanation was given by the prosecution for delay in lodging the F.I.R, After 21 days of the occurrence, the complaint was given by the defacto complainant. Apart from that, the place of occurrence was also doubted. So, on that two main grounds, the order of acquittal has been rendered. Since the witnesses are one and the same in both the matters, no new ground is also raised by the prosecution against this petitioners. So, on that ground, this



Crl.O.P.(MD)No.11265 of 2023

Petition is liable to be allowed and accordingly allowed. The Final Report in J.C.No.244 of 2022, dated 18.07.2017, on the file of the Juvenile Justice Board, Thiruchendur, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

23.06.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
Ls

To

- 1.The Juvenile Justice Board,
Thiruchendur.
2. The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate,
Tiruchendur



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Crl.O.P.(MD)No.11265 of 2023



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CrI.O.P.(MD)No.11265 of 2023

G.ILANGO VAN, J.,

Ls

CrI.O.P.(MD)No.11265 of 2023

23.06.2023