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Crl.O.P.(MD)No.17045 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.17045 of 2023

and

Crl.M.P(MD) No.13535 of 2023

Vaisnavi Devi

... Petitioner/Accused No.3

Vs.

1.The State rep by
Deputy Superintendent of Police,
Thirumangalam,
Madurai District.

2.The State rep. by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

...Respondents No.1 and 2/
Complainants

3.Alagu

...3rd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records and quash the FIR in Cr.No.424 of 2015 on the file of 2nd respondent pending against the Petitioner.

For Petitioner : Mr.G.Cenil

For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)



ORDER

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This Criminal Original Petition is filed to call for the records and quash the FIR in Crime No.424 of 2015 on the file of 2nd respondent pending against the Petitioner.

2. This petition has been filed, on the ground that the petitioner was minor, at that time of occurrence. The birth certificate of the petitioner is produced, wherein, it is seen that his Date of Birth is entered as 27.07.1998 and the date of occurrence is 05.07.2015. The petitioner was minor at that time of occurrence. But, without noticing the same and without following proper procedure set out in the Juvenile Justice (Care and Protection) of Children Act, Final Report has been filed by the second respondent herein. The parent case was tried in Spl.S.C.No.92 of 2017 before the Additional Sessions Judge, Madurai, and it ended in acquittal by the judgment, dated 27.11.2020.

3. The learned Government Advocate (Crl.Side) would submit that separate Final Report has been filed before the Juvenile Justice Board, Madurai.



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4. But copy application that was filed by the petitioner before the Juvenile Justice Board, Madurai, shows that Final Report was not filed, considering this petitioner and it came to be returned on 10.10.2023. It appears that even after lapse of several years, no further action has been taken by the second respondent herein in this regard. Keeping the matter pending, without any conclusion may not be proper. On the sole ground, this petition is liable to be allowed.

5. Accordingly, this Criminal Original Petition is allowed. The FIR in Crime No.424 of 2015 on the file of 2nd respondent pending against the Petitioner, is quashed. Consequently, connected Miscellaneous Petition is closed.

01.12.2023

Index : Yes/No
Internet : Yes/No
Indu

To

- 1.The Deputy Superintendent of Police,
Thirumangalam,
Madurai District.
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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