



Crl.O.P.No.10930 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10930 of 2024

and

Crl.M.P.No.7469 of 2024

M.Selvamanikandan @ Selvamani

.. Petitioner

/versus/

1.The State of Puducherry,
Rep.by Inspector of Police,
Mudaliyarpet Police Station,
Puducherry.

2.Velankanni

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.3024 of 2024 on the file of Judicial Magistrate No.III at Puducherry and quash the same.

For Petitioner :Mr.S.V.Umashankari

For Respondents :Mr.K.S.Mohan Dass
P.P.(Pondy)



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ORDER

The complaint by the mother alleging that the petitioner/karate master assaulted the complainant's son with a neem stick was investigated by the respondent police and taken up for trial by the Judicial Magistrate for the offences under Sections 324, 506(i) IPC and 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The learned counsel appearing for the petitioner submitted that the son of the defacto complainant, who is 14 years old, was regularly watching karate training given to girl students and making lewd comments that was opposed by the petitioner herein and therefore, a false complaint alleging that he assaulted the juvenile with the neem stick been foisted.

3. The learned Public Prosecutor (Pondy.) appearing for 1st respondent submitted that the mother of the victim minor boy has given a complaint that her son was attacked without any provocation by the petitioner herein and also there was a threat of dire consequences. There are six witnesses on the side of the prosecution and since there is a



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material to proceed against the petitioner, the petition to quash the criminal case in S.T.C.No.3024 of 2024 is liable to be dismissed.

4. Records relied on by the prosecution have been scrutinized.

It appears that Mr.Sanjay, 9th standard student of Kanak K.Ramakrishnan Government High School, Thengaiyathur, was attacked with the neem stick by the petitioner on 04.03.2022. The complaint was given after one month (i.e.) on 05.04.2022. In the course of investigation, the police has recovered two feet length neem stick, which alleged to have been used to attack the boy. No evidence collected to indicate that there was an injury to the boy. The mother, who is the defacto complainant, given a statement reiterating her complaint. The statement of the injured boy reveals that he was reprimanded by the petitioner for watching the girls getting karate training. He was asked to make a complaint against the accused to revenge his arrogant attitude.

5. Therefore, this Court is of the view that there is an element of truth in the statement of the accused that the boy is reprimanded for



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watching the training girls and making comments. The son of the defacto complainant is one of the students in which the petitioner is working. There is also a document in the nature of letter addressed to the Child Welfare Committee by Parent Teacher Association giving clean chit to the petitioner. Though the said letter may not be much relevance, the documents relied on by the prosecution on the whole also does not make out serious offence to attract Section 323 of I.P.C. Since there is no medical evidence to prove hurt, the Petition to quash the case in S.T.C.No.3024 of 2024 on the file of the Judicial Magistrate No.III, Puducherry, is allowed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is also closed.

03.06.2024

Index:yes/no

Neutral Citation:yes/no

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To:

1.The Judicial Magistrate No.III at Puducherry.

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- 2.The Inspector of Police, Mudaliyarpet Police Station,
Puducherry.
- 3.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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