



Crl.O.P.No.10830 of 2023

In the High Court of Judicature at Madras

Dated : 04.3.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.10830 of 2023
& Crl.M.P.No.6843 of 2023

C.B.Dharanish rep.by his
mother C.Bagavathy

...Petitioner

Vs

1.The State rep.by
The Deputy Superintendent of
Police, Kottur Police Station,
Pollachi, Coimbatore District.

2.S.Aravindh

...Respondents

PETITION under Section 482 of the Criminal Procedure Code praying to call for the records and quash the charge sheet in J.C.No.79 of 2022 before the Juvenile Justice Board, Coimbatore under Section 147 of the Indian Penal Code and Section 3(2)(va) of the SC & ST Act.

For Petitioner : Mr.A.Muthuprakash
For R1 : Mr.A.Damodaran, APP

ORDER

This is a petition filed by the petitioner challenging the proceedings pending in J.C.No.79 of 2022 before the Juvenile Justice



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Board, Coimbatore on the ground that the proceedings itself has lapsed due to the expiry of the entire period under Section 14(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, the Act).

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent. The private notice sent to the second respondent returned with the endorsement 'unclaimed returned to sender'.

3. The case of the prosecution is as follows :

On 23.2.2022 at about 6 PM, the defacto complainant parked his two wheeler in front of a shop. At that time, A1, who had come in a car, noticed that the two wheeler had been parked in front of the shop. Therefore, he instructed the defacto complainant to take away the two wheeler from the said place. Apart from that, he also insulted the defacto complainant and the victim by using the caste name. They were also attacked with hands and stones and as a result, the defacto complainant sustained injuries on his right thigh.



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4. There are totally 14 accused in this case and since the petitioner, at the relevant point of time, was a juvenile, the case was sent to the Juvenile Justice Board concerned. In so far as the petitioner is concerned, he committed an offence under Section 147 of the Indian Penal Code read with Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. The main ground that has been urged by the learned counsel for the petitioner is that under Section 14(2) of the Act, the inquiry should be completed within four months from the date of first production of the petitioner before the Juvenile Justice Board unless the period is extended for a maximum period of two months by the Juvenile Justice Board. In the instant case, the petitioner was produced before the Board on 22.3.2022 and the proceedings ought to have been completed by 22.9.2022. However, the proceedings are pending even as on date and therefore, it was contended that the proceedings itself would stand terminated in the light of the mandate under Section 14(4) of the Act.



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6. The above issue that was raised by the learned counsel for the petitioner is covered by an earlier order of this Court dated 12.3.2019 in Crl.O.P.(MD) No.3070 of 2019 wherein this Court had taken note of the provisions of Section 14(4) of the Act and declared the proceedings as terminated.

7. Considering the nature of allegations made in this case and also considering the fact that no serious or heinous offence has been committed by the petitioner, there is no requirement to keep the proceedings pending.

8. Since the Juvenile Justice Board has not completed the inquiry within the time provided under Section 14(4) of the Act, the above criminal original petition stands allowed and the proceedings in J.C. No.79 of 2022 before the Juvenile Justice Board, Coimbatore is hereby quashed. Consequently, the connected Crl.M.P. is closed.

04.3.2024



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N.ANAND VENKATESH,J

RS

To

- 1.The Deputy Superintendent of
Police, Kottur Police Station,
Pollachi, Coimbatore District.
- 2.The Juvenile Justice Board,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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