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Crl.O.P.No.27617 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.27617 of 2022
and
Crl.M.P.Nos.16978 of 2022

Prakasam Jayakumar

... Petitioner

Versus

1.The State Rep. by
Inspector of Police,
Dharapuram Police Station,
Thiruppur District.

2.Ranjitha Priya
District Children Protection Officer,
District Children Protection Unit,
Thiruppur District.

3.Santhosh
S/o.Muthulingam
Minor represented by his Natural Guardian / Mother
Sudha
W/o.Muthulingam

... Respondents

Criminal Original Petition filed Under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the FIR registered in Crime No.380 of 2022 against the petitioner pending on the file of the 1st respondent.



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For Petitioner : Mr.S.Mohan Kumar
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R2 : Notice unserved
For R3 : No appearance

ORDER

The petitioner has filed this petition to quash the Crime No.380 of 2022 against the petitioner pending on the file of the 1st respondent.

2. The case of the prosecution is that the petitioner is working as Social Science Teacher in reputed CSI Boys Higher Secondary School, Dhrapuram, Tiruppur District for a reasonable pay. The fact of the present case as per the respondent police is that on 13.07.2022 the 3rd respondent / victim herein voluntarily cut off his right hand and later he revealed cause of his action as he was scolded and insulted badly by the petitioner at the presence of classmates. Subsequently, 2nd respondent conducted an enquiry and lodged a complaint with the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence made by the prosecution. He further submitted that there was no material evidence



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against the petitioner. The petitioner is respectable person in the Society and he is carrying out social welfare works around the Thiruppur District. He further submitted that the 3rd respondent / victim himself wrote a letter to the Principal, CSI Boys Higher Secondary School, Dharapuram, Tiruppur District stating that he is studying 9th standard in the above said school and staying at Hostel. Due to his family situation he felt disgust and desperation, which led to lack of concentration in studies and he intent to take a leave from the school and to meet his mother, he voluntarily cut off his right hand. After realizing his mistake he apologized the petitioner by his letter dated 12.09.2022. In the mean while, by the complaint of the 2nd respondent FIR has been registered in crime No.380 of 2022.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that out of frustration the minor boy gave the complaint through his mother, but there is no basic material evidence against the petitioner. Based on the complaint lodged by the defacto complainant, FIR has been registered against the petitioner in Crime No.380 of 2022 on the file of the 1st respondent, for the offence under Section 294(b) of IPC and Section 75 of the Juvenile Justice (care and protection of Children) Act, 2015.



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T.V.THAMILSELVI, J.

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5. Considering the submissions made by the learned Government Advocate (Crl.Side) and there is no basic material evidence to prove the case, and also on considering the apologized letter, this Court is inclined to quash the proceedings in Crime No.380 of 2022 on the file of the 1st respondent.

6. Accordingly, this Criminal Original Petition is allowed.
Consequently, the connected miscellaneous petition is closed.

12.01.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No

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To

1. The Inspector of Police,
Dharapuram Police Station,
Thiruppur District.
- 2.The Public Prosecutor,
High Court of Madras.

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and
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