



CrI.O.P.(MD)No.1872 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CrI.O.P.(MD) No.1872 of 2021

and

CrI.M.P.(MD).No.940 of 2021

- 1.Ayyanar
- 2.Rakkammal
- 3.Kalimuthu @ Mutheeshwaran
- 4.Kaleeshwari ... Petitioners / Accused Nos.1 to 4

Vs.

- 1.The State rep by
The Inspector of Police,
Thirupparankundarm Police Station,
Madurai City.
(FIR No.9 of 2015) ... Respondent/Complainant
- 2.Panchavarnam ... Respondent/Informant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining C.C.No.128 of 2018 on the file of the Additional Mahila Court, Madurai, and quash the same.

For petitioner : Mr.R.Murugappan

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

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This petition has been filed to quash the proceedings in C.C.No. 128 of 2018 on the file of the Additional Mahila Court, Madurai.

2. The case of the prosecution is that on 07.01.2015, at about 09.00 a.m, the petitioners abused the second respondent by using filthy language and attacked her with their hands and also threatened her with dire consequences. Thereby, the defacto complainant lodged a complaint before the respondent police and the same was registered in Crime No.9 of 2015 for the offence punishable under Sections 294(b), 324 of IPC and Section 4 of TNWH Act. The respondent police conducted the investigation and after completion of investigation, filed charge sheet before the Additional Mahila Court, Madurai, and the same was taken on file in C.C.No.128 of 2018.

3. Aggrieved against the same, present petition has been filed.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the maximum



punishment for the offences under Sections 294(b), 323 and Section 4 of TNWH Act is 3 years only. In this case, cognizance was taken in the year 2018 by the Additional Mahila Court, Madurai after 3 years from the date of occurrence i.e., 07.01.2015. It is a clear violation of Section 468 of Cr.P.C., Further, insofar as the petitioners 3 & 4 are concerned, on the date of occurrence, they were minors. However, the respondent police registered the case against the petitioners 3 & 4 and filed charge sheet against them also is violation of Juvenile Justice (Care and Protection of Children) Model Rules, 2016. Hence, the charge sheet filed against the petitioners are liable to be quashed and prayed for allowing this petition.

5. The learned Additional Public Prosecutor submitted that after verifying the age of the petitioners 3 & 4 from their school administration, the respondent police found that they were minors on the date of occurrence. Hence, their names were removed from C.C.No.128 of 2018 on the file of the Additional Mahila Court, Madurai, and separate charge sheet was also filed before the Juvenile Justice Board on 22.03.2024 and the same is not yet numbered. Hence, he prayed for dismissal of the petition.



Crl.O.P.(MD)No.1872 of 2021

6. Recording the same, this Criminal Original Petition is dismissed and the Additional Mahila Court, Madurai, is directed to complete the trial as expeditiously as possible against the petitioners 1 & 2 are concerned. Consequently, connected miscellaneous petition is closed.

10.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss

To

1. The Additional Mahila Court,
Madurai.
2. The Inspector of Police,
Thirupparankundarm Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

dss

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