



CRL OP(MD)No.15670 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 15.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CRL OP(MD)No.15670 of 2021
and
Crl.M.P.(MD)No.8441 & 8442 of 2021

1.C.Suriya @ Jeyasuriya

2.C.Sucilkanth @ Sunil ... Petitioners / Accused 1 & 3
Vs.

1.The State rep. by its

The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.

(Crime No.109 of 2019) ... 1st Respondent / Complainant

2.S.Sankar ... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the charge sheet in J.C.No.234 of 2021, on the file of the Juvenile Justice Board, Tirunelveli, under Sections 147, 148, 294(b), 323, 324 and 506 (ii) I.P.C. and to quash the same.



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For Petitioner : Ms.V.Sadhana
for Mr.T.Tirumurugan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER

Seeking to quash the charge sheet in J.C.No.234 of 2021, on the file of the Juvenile Justice Board, Tirunelveli, the present Criminal Original Petition is filed.

2. The case of the prosecution is that the Petitioners, who were Juveniles, on the date of occurrence, along with the other accused, committed the offence punishable under Sections 147, 148, 294(b), 323, 324 and 506 (ii) I.P.C.

3. The final report, in S.C.No.251 of 2021 filed by the first respondent police, ended in acquittal after full fledged trial, on 27.06.2022. No appeal has been preferred by prosecution.



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4. Heard Ms.V.Sadhana, learned counsel appearing for the petitioners and Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the first respondent.

5. A perusal of the judgment in S.C.No.251 of 2021 shows that the prime witnesses turned hostile and the witnesses, who deposed in favour of the prosecution also did not corroborate the versions of the other witnesses in material particulars. Therefore, the charge sheet in J.C.No.234 of 2021 is liable to be quashed.

6. Since the petitioners were Juveniles on the date of occurrence, this Criminal Original Petition is allowed. The charge sheet in J.C.No.234 of 2021, on the file of the Juvenile Justice Board, Tirunelveli, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

15.02.2024

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
LS



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R.HEMALATHA,J.

LS

To

- 1.The Juvenile Justice Board,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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