



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 20759 of 2023

and C.M.P(MD)Nos. 16284 & 16279 of 2023

1. Kalaimagal

2. Rajendran

Petitioner/A-1 & 2

Vs

1. The State represented by the
Inspector of Police,
Annavaasal Police station,
Annavaasal, Pudukkottai District.
In Crime No.683 of 2021.

2. J. Gunaseeli

Respondents

For Petitioner(s) : Mr.J. Lawrance

**For Respondent(s) : Mr.A.S.Abul Kalaam Azad,
Government Advocate (crl. Side), for R-1**

Prayer: To call for the records pertaining to the case registered in Impugned Charge Sheet in Spl.S.C.No.34 of 2023 on the file of the Mahila Court, Pudukkottai in Crime no.683 of 2021 on the file of the 1st respondent Police and Quash the same as illegal.



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ORDER

This petition has been filed to quash the proceedings in the impugned charge sheet in Spl.S.C. No. 34 of 2023 on the file of the Mahila Court, Pudukkottai, arising out of Crime No. 683 of 2021 on the file of the 1st respondent police.

2. The primary ground raised by the petitioner is that the first petitioner was running a child orphanage in the name and style of Dr. Award – Thaaai Girls Children Home, Kudimiyanmalai, Illuppur Taluk, Pudukkottai District. The second petitioner is the husband of the first petitioner. It is the further contention of the petitioners that the orphanage has already been closed.

3. The case of the prosecution is that the orphanage was closed on 19.06.2021. However, even after its closure, the petitioner was having seven inmates in the premises. The petitioner states that the inmates could not be sent to school due to the COVID-19 pandemic and that the schools were about to reopen the next day, upon which they would have returned. It is further contended that the inmates were not



residing in the house, but had come to meet the petitioner at the time when the respondent police arrived for investigation. Therefore, the allegation is stated to be incorrect. However, such a plea alone cannot be a ground to quash the proceedings.

4. The next contention of the petitioner is that the statements recorded under Section 164 Cr.P.C. from the inmates were not considered by the respondents while filing the charge sheet, and that the charge sheet was filed by suppressing the said statements.

5. The learned counsel appearing for the petitioner vehemently relied upon the said Section 164 Cr.P.C. statements of the inmates/children, which were recorded by the learned Judicial Magistrate, Illuppur. It is the case of the petitioner that, if these statements are taken on record, it would clearly establish that the petitioner had not engaged the children in any form of labour. It is further stated that the inmates were only taught certain activities and were not compelled to perform any work. However, such a contention cannot be considered at this stage for quashing the proceedings.



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6. Therefore, the learned trial court is directed to take into consideration the statements recorded under Section 164 Cr.P.C., examine them carefully, and thereafter arrive at an appropriate conclusion. The learned Judicial Magistrate, Illuppur, shall not proceed further without taking into account the said statements.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petitions are closed.

KSA

29.10.2025



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To

1. The Judicial Magistrate Court,
Illippur.
2. The Inspector of Police,
Annavasal Police station,
Annavasal, Pudukkottai District.
3. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
CRL OP(MD) NO. 20759 of 2023

29.10.2025