



Crl.O.P.(MD) No.23173 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2025

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.23173 of 2025

and

Crl.M.P.(MD) No.20102 of 2025

Minor David Abilash
rep. through his natural guardian/mother
Angel Jane Vanitha

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Crime No.169 of 2024)

2.Adhithya

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the entire records connected with the case against the petitioner in J.C.No.460 of 2025 on the file of the Court of Juvenile Justice Board, Madurai and quash the same as illegal.

For Petitioner : Mr.M.Keerthi Prasanna

For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

Seeking quashment of the impugned charge sheet in J.C.No.460 of 2025 on the file of the learned Judicial Magistrate, Juvenile Justice Board, Madurai as against the petitioner, the present Criminal Original Petition has been filed.

2. Mr.M.Keerthi Prasanna, learned counsel for the petitioner, submitted that the petitioner is a juvenile, who is represented through his natural guardian/mother and that the FIR in Crime No.169 of 2024 came to be registered against the petitioner for the offences under Sections 294(b) and 324 of the Indian Penal Code, 1860 [hereinafter referred to as 'IPC'].

3. The learned counsel for the petitioner drew the attention of this Court to Section 2(45) of the Juvenile Justice (Care and Protection of Children) Act, 2015 [hereinafter referred to as the 'J.J. Act'], which defines the term 'petty offences' as offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years. The learned counsel



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further contended that for the offences under Sections 294(b) and 324 of the IPC, the maximum punishment prescribed would fall within the category of 'petty offences' as defined under the said Act.

4. Further, the learned counsel for the petitioner, relying upon Sections 14(2) and 14(4) of the J.J. Act, submitted that when Section 14(2) is read in conjunction with Section 14(4) of the J.J. Act, it is evident that the inquiry in a petty offence case against a child, who has been produced before the Juvenile Justice Board after apprehension, ought to be concluded by the Juvenile Justice Board within a maximum period of four months from the date of first production of the child and in the event the inquiry is not concluded within the said period of four months, the same may be extended by a further period of two months, for reasons to be recorded in writing.

5. He further submitted that in the instant case, the child was produced before the Juvenile Justice Board for the first time on 28.05.2025 after apprehension and therefore, the period prescribed under Section 14(2) of the J.J.Act expired on 28.09.2025 and even the extended period contemplated under Section 14(4) of the J.J. Act expired on



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28.11.2025 and despite the same, the Juvenile Justice Board has not concluded the inquiry and has kept the same pending endlessly.

6. The learned counsel for the petitioner relied upon the judgment of this Court in ***R.Sembarithi v. The State, rep. by its Inspector of Police, Karur Town Police Station and another*¹**, wherein this Court dealt with a similar case and quashed the pending juvenile case. He also relied upon yet another judgment of this Court in ***xxxxxx v. State, rep. by the Inspector of Police, Eraniel Police Station and another*²**, wherein this Court, after considering the aforesaid provisions of Section 14 of the J.J. Act, quashed the juvenile case. The relevant portion of the said judgments is extracted hereunder:

“2.The petitioner was implicated as one of the accused in the impugned FIR. The FIR was registered for the offences under Sections 147, 148, 294(b), 427 and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. The registration of the FIR was on 27.06.2015. Admittedly, the petitioner was a juvenile at the relevant point of time. The learned counsel for the petitioner draws my attention to Section 14 of the Juvenile Justice Act, 2015. The said provision reads as follows:-

14. (1) Where a child alleged to be in conflict with law is produced before Board, the Board shall hold an inquiry in accordance with the provisions of

¹ Judgment dated 12.03.2019, rendered in Crl.O.P.(MD) No.3070 of 2019

² Judgment dated 04.02.2022, rendered in Crl.O.P.(MD) No.2074 of 2022



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this Act and may pass such orders in relation to such child as it deems fit under sections 17 and 18 of this Act.

(2) The inquiry under this section shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the circumstances of the case and after recording the reasons in writing for such extension.

(3) A preliminary assessment in case of heinous offences under section 15 shall be disposed of by the Board within a period of three months from the date of first production of the child before the Board.

(4) If inquiry by the Board under sub-section (2) for petty offences remains inconclusive even after the extended period, the proceedings shall stand terminated: Provided that for serious or heinous offences, in case the Board requires further extension of time for completion of inquiry, the same shall be granted by the Chief Judicial Magistrate or, as the case may be, the Chief Metropolitan Magistrate, for reasons to be recorded in writing.

(5) The Board shall take the following steps to ensure fair and speedy inquiry, namely:—

(a) at the time of initiating the inquiry, the Board shall satisfy itself that the child in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(b) in all cases under the Act, the proceedings shall be conducted in simple manner as possible and care shall be taken to ensure that the child, against whom the proceedings have been



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instituted, is given child-friendly atmosphere during the proceedings;

(c) every child brought before the Board shall be given the opportunity of being heard and participate in the inquiry;

(d) cases of petty offences, shall be disposed of by the Board through summary proceedings, as per the procedure prescribed under the Code of Criminal Procedure, 1973;

(e) inquiry of serious offences shall be disposed of by the Board, by following the procedure, for trial in summons cases under the Code of Criminal Procedure, 1973;

(f) inquiry of heinous offences,—

(i) for child below the age of sixteen years as on the date of commission of an offence shall be disposed of by the Board under clause (e);

(ii) for child above the age of sixteen years as on the date of commission of an offence shall be dealt with in the manner prescribed under Section 15.”

3.The said provision states that any proceeding against a juvenile in conflict with law will have to be concluded within a period of four months. The said period can be extended by further period up to two months. In any event, the proceeding cannot remain pending beyond six months. The learned counsel for the petitioner draws my attention to Section 14(4) of the Juvenile Justice Act, which states that if at the end of the period, the proceedings are still not concluded, they shall be terminated. The learned counsel for the petitioner relies on a catena of decisions in support of his contention that this provision is mandatory. In this case, the proceedings are hanging fire for almost seven years. Therefore, on this sole ground, the proceedings against the petitioner stand terminated. This criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.”



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7. Fully fortified by the aforesaid judgments, it is needless to state that the juvenile in the present case was produced before the Juvenile Justice Board on 28.05.2025 and has been languishing before the Board even after the lapse of more than six months. Therefore, the prosecution's case against the juvenile cannot be sustained. Accordingly, the impugned charge sheet is quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes

Neutral Citation : Yes

Copy To:

- 1.The Judicial Magistrate,
Juvenile Justice Board, Madurai.
- 2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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