

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.1197 of 2023

Order:

This Criminal Petition, under Section 482 Cr.P.C., has been filed on behalf of the petitioners herein/A-1 to A-9 to quash the proceedings in CC No.254 of 2021 on the file of the learned Additional Judicial Magistrate of First Class, Kota.

2. A charge sheet has been filed against the petitioners herein for the offences punishable under Sections 79 of the Juvenile Justice Act, 1986 and Section 3 read with 14 of the Child Labour (Prohibition and Regulation) Act, 1986.

3. Case of the prosecution, in brief, is that the *de facto* complainant (LW.1) is the Coordinator of Bachpan Bachavo District Task Force Committee and LWs.2 to 7 are the members to save the child labour working against Juvenile Justice (Care and Protection of Child) Act, 2015. On 21.01.2021, as per the instructions of the Joint Collector, Nellore, they conducted raids in Kota Village and Mandal between 14.40 hours and 17.00 hours and traced the child labour working in various shops of the petitioners herein. Then LWs.1 to 7 gave counseling to the child and handed over them to their parents. Based on the complaint given by the *de facto* complainant, the present case has been registered against the petitioners herein.

4. Learned counsel for the petitioners, after arguing for some time, confined his argument to the extent of dispensing with the presence of the petitioners before the trial Court.

5. This Court after perusing the material on record comes to a conclusion that there are disputed questions of fact and the same has to be decided during the course of trial and, at this stage, this Court, in a petition filed under Section 482 Cr.P.C could not be in a position to conduct a roving enquiry into the disputed questions of fact and quash the proceedings.

6. In view of the aforesaid facts and circumstances, this Court is not inclined to interfere with the proceedings and, accordingly, the Criminal Petition is dismissed. However, the presence of the petitioners 2 to 9 herein before the trial Court is dispensed with, except on those dates where the learned Magistrate feels that their presence is necessary. Insofar as petitioner No.1/A1 is concerned, he is directed to attend before the trial Court for all adjournments.

7. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date:15.02.2023
Nsr

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