

(2016) 01 KL CK 0032

In the High Court Of Kerala

Case No : Criminal M.C. No. 293 of 2016, (Arising out of Crime No. 1686 of 2015 of Poojappura Police Station, Thiruvananthapuram)

Felix Joffery

APPELLANT

Vs

v. State of Kerala

RESPONDENT

Date of Decision : 29-01-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 23
Penal Code, 1860 (IPC) — Section 324

Citation : (2016) 1 KHC 742

Hon'ble Judges : Mr. P. Ubaid, J.

Bench : Single Bench

Advocate : Sri. S. Justus, Advocate, for the Petitioner; Sri. Bejoy M.S. Raj; Smt. T.T. Jayanthi, Advocates, for the Respondent No. 2; Smt. Sheeba M.T, Public Prosecutor, for the Respondent No. 1

Final Decision : Allowed

Judgement

Mr. P. Ubaid, J. - A teacher mildly beat two students as part of enforcement of discipline. Parents of the children straight away approached the police and lodged a complaint, on which the Poojappura Police registered Crime No.1686/2015 under Section 324 IPC and Section 23 of the Juvenile Justice (Care and Protection of Children) Act. The petitioner herein is the said teacher who stands indicted as the accused in the said crime. She seeks orders quashing the FIR and further proceedings in the crime, on the ground of amicable settlement of the whole dispute between her and the guardians of the two children. The guardians have filed affidavit to the effect that the whole dispute stands settled, and that they have no grievance or complaint now. It is seen that the children had not sustained any visible injury. It is unfortunate that a crime happened to be registered against the teacher. Any way, the issue now stands resolved, and the children continue in the same school under the care and custody of the very same teacher. In such a situation, it is appropriate that the prosecution be

quashed.

2. In the result, this petition is allowed. The F.I.R and further proceedings in Crime No.1686/2015 of the Poojappura Police Station will stand quashed under Section 482 of the Code of Criminal Procedure.