
(2023) 09 KL CK 0215

In the High Court Of Kerala

Case No : Criminal Miscellaneous Petition No. 6606 Of 2023

Hentryetta

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 25-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34
Juvenile Justice Act 1986 — Section 75

Citation : (2023) 09 KL CK 0215

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Biju .C. Abraham, Thomas C.Abraham, G Sudheer

Final Decision : Allowed

Judgement

Gopinath P, J

1. The petitioners are accused Nos.1 to 4 in Crime No.115 of 2018 of Vandiperiyar Police Station, Idukki, alleging commission of offence under Section 75 of the Juvenile Justice Act, 1986 r/w Section 34 of the Indian Penal Code.

2. The allegation is that the petitioners, who were teachers of St.Joseph English Medium School, Vandiperiyar, had raised an allegation of theft against the third respondent who was then a student of the school, in front of others, and this led to isolation of the third respondent and the third respondent also attempted to commit suicide by consuming poison.

3. The learned counsel appearing for the petitioners would submit that all issues between the petitioners and the third respondent have been settled and the father of the third respondent (second respondent) and the mother of the third respondent have given statements stating that they do not wish to continue with the prosecution against the petitioners. It is submitted that the third respondent has attained the age of majority. It is submitted that the crime came to be

registered on the basis of a misunderstanding and since the third respondent and his parents do not intend to continue with the proceedings, the proceedings may be quashed on the ground of settlement.

4. The learned Public Prosecutor and the learned counsel appearing for the second and third respondents would submit that the issues between the petitioners and the second and third respondents have been settled and the second and third respondents do not wish to continue with the proceedings against the petitioners.

5. Having heard the learned counsel appearing for the petitioners, the learned Public Prosecutor and the learned counsel appearing for the second and third respondents, I am of the view that this is a fit case where, a jurisdiction of this Court under Section 482 of Cr.P.C. can be invoked to quash the proceedings against the petitioners on the ground of settlement. The allegation against the petitioners is as noticed above. The petitioners, who were teachers, had raised an allegation that the third respondent had committed theft. This was allegedly done in front of other students and this led to the third respondent attempting to commit suicide. The facts are not of such nature, that would compel this Court in refusing to exercise the jurisdiction under Section 482 of Cr.P.C. on the ground of settlement.

Therefore, this CrI.M.C. is allowed and all further proceedings against the petitioners in S.C.No.240 of 2023 on the files of the Special Court under POCSO Act and Childrens Act, Thodupuzha will stand quashed.