

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA, 1945

CRL.MC NO. 3808 OF 2023

AGAINST THE ORDER/JUDGMENT CP 61/2023 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -I, NEDUMANGAD

PETITIONER/ACCUSED:

PUSHPARAJ, AGED 46 YEARS
S/O VINSENT, GRACE VILLA, EDACHIRA, PUTHUKULANGARA,
UZHAMALAKKAL VILLAGE, NEDUMANGAD, THIRUVANANTHAPURAM
DISTRICT, PIN - 695542
BY ADV LATHEESH SEBASTIAN

RESPONDENT/STATE AND DE FACTO COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 STATION HOUSE OFFICER
VALIYAMALA POLICE STATION, THIRUVANANTHAPURAM DISTRICT,
PIN - 695547
- 3 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX
BY ADVS.
PUBLIC PROSECUTOR
NEETHU S.

ADV.NOUSHAD KA, PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
30.09.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Petitioner is the accused in Crime No.640/2022 of Valiyamala police station, Thiruvananthapuram district, which is now pending as C.P. No.61/2023 on the file of the Judicial First Class Magistrate Court-I, Nedumangadu, alleging commission of offence punishable under Section 324 of the Indian Penal Code and Section 75 of the Juvenile Justices (Care and Protection of Children) Act, 2015.

2. The petitioner is a teacher of a Government School, Krippoor, Nedumangad. It is alleged that, on 02.09.2022, the petitioner had beaten the 3rd respondent, using a cane, on the allegation of creating sound by hitting on the tin sheets during Onam celebrations at the school. It is submitted that, therefore, the petitioner committed the offences alleged against him.

3. Learned counsel appearing for the petitioner would submit that the entire issues between the petitioner and the 3rd respondent have been settled. Learned counsel appearing for the petitioner also refers to Annexure-2 affidavit executed by the mother of the 3rd respondent to establish that the entire issues between the petitioner and the 3rd respondent have been settled

and she does not intend to continue with the proceedings against the petitioner. It is also submitted that the 3rd respondent also has no objection in the proceedings being discontinued .

4. Learned Public Prosecutor would submit that a statement has been recorded from the 3rd respondent (juvenile) and the 3rd respondent does not wish to continue with the proceedings against the petitioner. Learned counsel appearing for the 3rd respondent affirms that the entire disputes between the petitioner and the 3rd respondent have been settled and that the 3rd respondent does not wish to continue with the proceedings against the petitioner.

5. Having heard the learned counsel appearing for the petitioner, learned Public Prosecutor and the learned counsel appearing for the 3rd respondent, I am of the view that this Crl.M.C. can be allowed and in the exercise of the jurisdiction vested in this Court under Section 482 of the Code of Criminal Procedure, further proceedings against the petitioner can be quashed on the ground of settlement.

Accordingly, the Crl.M.C is allowed and all further proceedings in C.P. No.61/2023 on the file of the Judicial First Class Magistrate Court-I, Nedumangadu (arising out of Crime

No.640/2022 of Valiyamala police station) will stand quashed as against the petitioner.

**Sd/ -
GOPINATH P.
JUDGE**

ajt

APPENDIX

ANNEXURE 1 – CERTIFIED COPY OF THE FINAL REPORT OF THE 2ND RESPONDENT
IN CRIME NO.640/2022 OF VALIYAMALA POLICE STATION.

ANNEXURE 2 – ORIGINAL OF THE AFFIDAVIT EXECUTED BY THE MOTHER OF THE
3RD RESPONDENT