



2026:KER:78515

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

FRIDAY, THE 9TH DAY OF OCTOBER 2026 / 17TH ASWINA, 1948

CRL.MC NO. 9888 OF 2024

CRIME NO.158/2019 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA

SC.NO.657/2024 OF ADDITIONAL SESSIONS COURT-I, PATHANAMTHITTA

PETITIONER/ACCUSED:

JOLLY JOHN
AGED 58 YEARS
W/O. SAJAN PHILIP,
RESIDING AT NEELAMCHIRA,
HOUSE NO. 42, JP NAGAR,
RAILWAY STATION (P.O), THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN - 689111

BY ADVS.
SRI.GOPAKUMAR R.THALIYAL
SRI.R.B.BALACHANDRAN
SHRI.SANDEEP V.

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 XXXXXXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXX

BY SRI. NAVAS V.A., SR. PP - R1

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07.10.2026, THE COURT ON 09.10.2026 PASSED THE FOLLOWING:

**C.R.****ORDER**

This Crl. M.C. has been filed by the petitioner, who was a teacher at MGM School, Thiruvalla, seeking to quash the final report in Crime No.158/2019 of Thiruvalla Police Station and all further proceedings in S.C. No.657/2024 on the file of the Additional Sessions Court-I, Pathanamthitta.

2. The prosecution allegation is that on 06.12.2018 at 15:30 hours, the petitioner, who was the class teacher of Standard V-C, with an intention to cause hurt to the de facto complainant, a student of the fifth standard at MGM School, Thiruvalla, caught hold of her hand, pulled her, and as a result of which the de facto complainant's leg got entangled in a bench, causing her to sustain a contusion and pain on her right knee. Thus, the accused is alleged to have committed the offences punishable under Section 82(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, and Section 323 of the Indian Penal Code.

3. The crime was initially registered for the offences punishable under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 323 of the Indian Penal Code. After investigation, the



police filed the final report alleging commission of the offences punishable under Section 82(1) of the Juvenile Justice (Care and Protection of Children) Act and Section 323 of the IPC. The case is now pending before the Additional Sessions Court-I, Pathanamthitta, the Special Court constituted for the trial of offences under the Juvenile Justice (Care and Protection of Children) Act, as S.C. No.657/2024.

4. Heard the learned counsel for the petitioner and the learned Senior Public Prosecutor.

5. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the crime and that the allegations in the final report do not constitute the ingredients of the offences alleged against her. According to the learned counsel, the petitioner, being the class teacher, had only attempted to maintain discipline in the classroom. The learned counsel further urged that when the de facto complainant was running around the classroom, the petitioner asked her to sit in her seat and, in that process, caught hold of her hands and pulled her. It is submitted that the said act was only part of maintaining discipline in the classroom and that the petitioner had no intention to harass, abuse or cause injury to the de facto complainant.



6. It is further submitted that the statements of the other students who witnessed the incident would show that the petitioner had acted only as part of maintaining discipline in the classroom and that she had no intention to harass or abuse the de facto complainant. It is also pointed out that the occurrence was on 06.12.2018, whereas the crime was registered only on 16.01.2019 and that no explanation was given for the delay in registering the crime. It is also submitted that, though the Government Medical College, Kottayam and other Government Hospitals are situated in and around the school, the de facto complainant obtained a treatment certificate from the Believers Church Medical College Hospital, Thiruvalla, only on 04.03.2019, nearly three months after the alleged incident. According to the learned counsel, the certificate records that the de facto complainant was seen in the outpatient department on 11.12.2018 with complaints of pain over the right knee. It is submitted that there was no serious injury and that the medical records disclose only minor injuries.

7. Per contra, the learned Senior Public Prosecutor opposed the petition.

8. This is a case in which a teacher in a school has allegedly inflicted corporal punishment on a student in the same school. As already stated, the



specific accusation is that, in order to maintain the discipline of the school, the teacher caught hold of the hands of the minor child, who was studying in the fifth standard, and pulled her, causing her to sustain contusion and pain on her right knee as her leg got entangled in a bench while she was being pulled.

9. While considering the question whether, on the said allegation, a teacher can be forced to face prosecution for a criminal offence, first of all, it is to be noted that a teacher has an important role in shaping the character, behaviour and future of a student. Apart from imparting knowledge, teachers have a duty to guide, correct and discipline the student. In discharging such responsibility, the teachers have a role akin to that of a parent. However, such responsibility must always be exercised with care and without causing harm to the child. However, merely because a teacher has inflicted or awarded a trivial punishment as a corrective measure to correct a child or to maintain the discipline of the institution, he or she cannot be prosecuted in a criminal proceeding. If teachers are subjected to criminal prosecution under the Juvenile Justice Act for implementing simple and minimal corrective measures to preserve institutional discipline, the very



administration and orderly functioning of educational institutions would be jeopardised.

10. However, if a teacher inflicts corporal punishment with *mala fide* intentions, which would have irreversible consequences on the future of a child, including his or her mental well-being, the same has to be dealt with seriously. In the facts of the present case, the statements of the other students who witnessed the incident suggest that the teacher had caught hold of the hands of the victim and pulled her without any *mala fide* intention and only as a measure to maintain discipline in the classroom. The materials collected during investigation do not indicate any criminal intention on the part of the petitioner to harass, abuse or cause injury to the child.

11. Therefore, I am of the view that the ingredients necessary to attract the offence either under Section 82 of the Juvenile Justice (Care and Protection of Children) Act relating to corporal punishment or under Section 323 of the IPC are not made out. The allegation, when considered in the light of the materials collected during investigation, does not disclose that the petitioner had subjected the child to corporal punishment with any *mala fide* intention. A perusal of the wound certificate also suggests that only minor injuries were sustained. Considering all the above aspects, I am of the view



2026:KER:78515

CRL.MC NO. 9888 OF 2024

6

that this is a fit case to invoke the inherent power of this Court under Section 528 of the BNSS to prevent abuse of the process of the court and to secure the ends of justice.

In the result, this petition is allowed. The final report in Crime No.158/2019 of Thiruvalla Police Station and all further proceedings pursuant thereto, now pending as S.C. No.657/2024 on the file of the Additional Sessions Court-I, Pathanamthitta, are hereby quashed.

Sd/-**JOBIN SEBASTIAN
JUDGE**

SPV