



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 2917 OF 2025

BETWEEN:

1. SMT SAVITHA GOWDA
40 YEARS, P.E TEACHER
MORARJI DESAI SCHOOL, HEGGADE KUMTA,
KARWAR - 581330.

...PETITIONER

(BY SRI. NAIK NITYANAND VENKATARAMAN.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SHO, MANIPAL P.S, REPRESENTED SPP,
HIGH COURT BUILDING, BENGALURU- 560001.

...RESPONDENT

(BY SRI. LAKSHMAN.B, HCGP FOR RESPONDENT NO.1)

CRL.P FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY
THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO QUASH THE ENTIRE
PROCEEDINGS IN C.C.NO.1914/2024 IN THE FILE OF THE
COURT OF ADDL. CIVIL JUDGE AND JMFC AT UDUPI AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR





ORAL ORDER

The petitioner, who is charge-sheeted for offences punishable under Section 82 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Sections 324, 201, and 34 of the IPC, is before this Court seeking the following relief:

- i. Quash the entire proceedings in CC No. 1914/2024 pending before the Court of the Additional Civil Judge and JMFC at Udupi.
- ii. Set aside the order of cognizance dated 29.06.2023 in CC No. 1914/2024, in the file of the Court of the Additional Civil Judge and JMFC at Udupi.
- iii. Grant such other orders or directions as this Hon'ble Court deems fit in the facts and circumstances of the case.

2. The prosecution alleges that Accused No. 1 is a physical instructor and Accused No. 2 is the Principal at Morarji Desai Residential School, where it is further contended that they beat students with sticks for failing to obey their orders.



3. The learned counsel for the petitioner and the learned High Court Government Pleader for the respondent State were heard.

4. It is alleged that the petitioner beat a student, namely Trisha, who was studying in Grade 6, for not obeying orders. The alleged incidents occurred between 1 September 2022 and 30 September 2022, and the FIR was lodged on 29 June 2023 without any plausible explanation. Moreover, the prosecution has not placed any material on record to substantiate that the said student sustained injuries sufficient to constitute an offence under Section 324 of the IPC.

5. In *RAJAN @ RAJU v. SUB-INSPECTOR OF POLICE AND ORS* (CrI. MC. No. 237/2018), disposed on 7 December 2018, the Kerala High Court ruled that when a student is sent to school by a parent or guardian, it is presumed that the parent or guardian has given implied consent for the child to be subject to the discipline and control of the school authorities, including the imposition of reasonable punishment necessary for maintaining school discipline or correcting behavior. The Court further held that parents, teachers, and other persons in loco parentis are entitled to apply a reasonable degree of force



as a disciplinary measure to a child or pupil who is old enough to understand the purpose of the act.

6. In the instant case, the prosecution has not established that the chastisement administered by the petitioner exceeded the child's capacity to endure it. Therefore, even if the allegations against the petitioner are accepted on their face, they do not satisfy the essential elements required to constitute the offence alleged under Section 324 of the IPC. Under these circumstances, the continuation of criminal proceedings would amount to an abuse of the process of law.

Accordingly, I pass the following orders:

ORDER

- i. The petition is allowed.
- ii. The impugned proceedings in C.C.No.1914/2024 on the file of Addl. Civil Judge and JMFC, Udupi is hereby quashed.

**Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE**