

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
PARAPPANANGADI**

Present: Smt.Nova Jose
Judicial First Class Magistrate.
Dated this the 01st Day of June, 2026

Crl.M.P. No.4/2026
in
CC 982/2023

Petitioners/Accused **:Muhammed Farseen,**
S/o Haneefa.C,
Kuzhinjoduvil House,
Parambilpeedika, Malappuram

[By Sri.Mohammed Yasil.A.P, Advocate]

Complainant **:State Rep.by Sub Inspector of Police,**
Thenhipalam PS in Cr.No.561/2023

(By Sri.Dileesh.A, APP, Parappanangadi)

This petition having been finally heard on 29.05.2026 and the court on 01.06.2026 delivered the following:-

ORDER

This is an application filed U/s. 262 of the BNSS for discharging the petitioner/accused.

2]. This is a case taken on file based on the final report of the Sub Inspector of Police, Thenhipalam police station u/s 173(2) of the CrPC against the accused alleging commission of offences punishable under sections 336 of the IPC and Sec.5 r/w 180, 199(A)(1)(2) of the Motor Vehicle Act in Crime No.277/2023 of that police station.

3]. The case of the prosecution in brief is as follows:- On 08.06.2023 at 6.20 pm at Neerolpalam – Parambilpeedika public road, the detecting officer had seen a minor child riding a motorcycle bearing registration number KL-55-C-3588 with the consent of the accused herein knowing the same is prohibited as per the provision of the Motor Vehicle(Amendment) Act. Accused is thereby alleged to have committed the aforesaid offences punishable u/s 336 of the IPC and Sec.5 r/w 180, 199(A)(1)(2) of the Motor Vehicle Act.

4]. The averments in the petition are as follows:- In the present case, the offences alleged against the accused are under Sections 336 of the IPC and Sec. 5 r/w 180, 199(A)(1)(2) of the Motor Vehicle Act. The petitioner stated that he is innocent of the allegations. The petitioner further submitted that no action has been taken against the minor in the above case before the Malappuram Juvenile Justice Board. Therefore, none of the charges alleged against the accused by the Thenhipalam police exist. Therefore, the accused should be discharged from the above case. Otherwise, the accused will suffer irreparable losses. Hence the petition.

5]. The respondent/complainant filed a counter to this petition stating that they had registered FIR and conducted investigation in this case. After completing the investigation they filed a final report before the Court. This Court took on file as CC 982/2023. In this case, proceedings for a Social Background Report have been initiated against the minor, who was driving the vehicle, before the Hon'ble Juvenile Justice Board. Hence, it is submitted that the petition filed by the accused be dismissed.

6]. Heard both sides. Perused the records.

7]. On going through the prosecution documents produced and hearing advanced by both parties this court is of the view that the allegation against the accused is groundless. ***The Hon'ble High Court of Kerala in Sharafudheen v. State of Kerala [2024 KHC Online 522], held that*** “the prosecution against the guardian of the minor under Section 199A of the MV Act can be initiated only after an entry is made in the General Diary regarding the offence allegedly committed by the minor, followed by a Social Background Report to be submitted before the Juvenile Justice Board.” In the present case, the investigating agency has not, as yet, filed the Social Background Report (SBR) before the Juvenile Justice Board, Malappuram. In view of the failure of the investigating officer to submit the Social Background Report (SBR) to the Juvenile Justice Board, proceedings against the petitioner as the guardian/owner of the motor vehicle cannot be proceeded with as a minor cannot be said to have committed an offence under the Act. Therefore the trial of the case will be an abuse of the process of court. In the absence of proper materials prosecution cannot be successfully maintained. Hence the accused is liable to be discharged u/s 262 of the BNSS.

In view of all the facts discussed as above the petitioner/accused is seen entitled for discharge u/s 262 of the BNSS and hence he is discharged accordingly.

[Pronounced by me in the open court this the 01st Day of June, 2026.]

Sd/-
Judicial First Class Magistrate,
Parappanangadi

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