

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 29877 of 2015 (H)

PETITIONER(S) :

1. KISHORE KUMAR
S/O. SASIKUMAR P., CHARUVILA PUTHENVEEDU
PORUNTHAMAN P.O., THIRUVANANTHAPURAM -695 601.
2. RAHUL R.S.,
S/O. RAJVEEV S., RAGIMA, CHERUNAKAMKODE
ADAYAMON P.O., THIRUVANANTHAPURAM - 695 601.
3. JIBIN B.S. NAIR,
S/O. BIJU G., SINDH BHAVAN, KILIMANOOR P.O.
THIRUVANANTHAPURAM-695601.
4. ATHUL MOHAN,
S/O. MINI R.S., SRAVANAM, MULLAKKARA
VATTATHAMARA P.O., THIRUVANANTHAPURAM - 695 601.
5. AFSAL P.S.,
S/O. FASEELA S., SALIM MANZIL, THOLIKUZH
ADAYAMON P.O., THIRUVANANTHAPURAM- 695 601.
6. AJAS R.,
S/O. E. RAHIMN, THADATHARIKATH VEEDU,
KODUVAZHANOOR, THIRUVANANTHAPURAM - 695 601.
7. ROHIT R.,
S/O. RAJENDRAN, J.S. BHAVAN, ALATHUKAVU
PONGANADU P.O., THIRUVANANTHAPURAM- 695 601.
8. MANU S.V.,
S/O. SASIKUMAR T.V., CHARUVILAPUTHEN VEEDU
PORUNTHAMON P.O., THIRUVANANTHAPURAM - 695 601.

BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN

RESPONDENT(S) :

**1. SUPERINTENDENT OF POLICE
THIRUVANANTHAPURAM (RURAL), VIKAS BHAVAN P.O.
THIRUVANANTHAPURAM - 695 033.**

**2. STATION HOUSE OFFICER,
KILIMANOOR POLICE STATION
THIRUVANANTHAPURAM - 695 601.**

R1 & R2 BY GOVT. PLEADER SRI. MANOJ P. KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...3/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE FIR IN CRIME NO. 853/2013 OF KILIMANOOR POLICE STATION.
- EXT.P2 COPY OF THE FINAL REPORT IN CRIME NO. 853/2013 OF KILIMANOOR POLICE STATION.
- EXT.P3 COPY OF THE REPLY DT. 7-9-2015.
- EXT.P4 COPY OF THE CIRCULAR DT. 16-6-2012.
- EXT.P5 COPY OF RELEVANT PAGES OF KERALA POLICE MANUAL.

RESPONDENT'S EXHIBITS : _____ NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 29877 of 2015

Dated this the 12th day of October, 2015

J U D G M E N T

Petitioners approached this Court seeking a direction to issue a Police Clearance Certificate notwithstanding the registration of Ext.P1 FIR against them.

2. According to the petitioners, the alleged offence was committed while the petitioners were juveniles and therefore, by virtue of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, they are entitled for a police clearance certificate.

3. Section 59 of the Kerala Police Act provides as follows:-

“59. Police to give certificates of non-involvement in offences.--

The District Police Chief or the Station House Officer may, on the application of any person, give a certificate to the effect that such person is not involved in any offence after suitable enquiries and after realising such charges as may be fixed by the Government in this regard.”

This would indicate that the Police can issue Police Clearance certificate showing whether the person is involved in any criminal case or not involved in any criminal case. Police cannot issue such certificate, if such person is involved in a criminal case, without showing the involvement.

4. However, even if such certificate is issued showing the involvement of the petitioner, that cannot be put against the petitioners as a hurdle for obtaining job or following any other pursuit. In view of the Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000, which reads as follows:-

“19. Removal of disqualification attaching to conviction.--

(1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or reasonable period as prescribed under the

rules, as the case may be.”

Therefore, this Court is of the view that the petitioner can get only certificate showing the involvement of the criminal case and not otherwise.

5. Any authority, which needs to rely upon such certificate has to necessarily advert to section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000 while acting upon the Police Certificate issued, showing the involvement of the petitioner, as it was an offence committed by the petitioners while they were juveniles.

With the above observation, this writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE,
Judge

MBS/

WP(C).NO.29877 OF 2015

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