



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15025 of 2022

Minor Dharanish,
S/o Ananthanarayanan,
No.3-1-97, Kumili Periyakulam Road,
Palanichettipatti Post,
Theni District.

Rep by
Father and Natural Guardian,
Ananthanarayanan

... Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

2. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to issue the passport in favour the petitioner based on the petitioner's application File No.MD1064097583122 dated 05.04.2022 within the time stipulated by this Court.



For Petitioner : Mr.C. Jeganathan

For R-1 :Mr.M.Karthikeya Venkatachalapathi

For R-2 : Mr.K. Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner even as on date is a minor, some 1½ years ago he was implicated in Crime No.2145 of 2020 on the file of Palanichettipatti police station, for the offences under Sections 294(b), 323, 324 and 506(ii) of I.P.C. on 22.12.2020. The petitioner is figuring as accused No.2.

3. The second respondent ought to have taken recourse to the provisions set out in the Juvenile Justice (Care and Protection of Children) Act 2015. It appears that in this case the third accused is said to be the petitioner's younger brother.



4. I direct the second respondent to take appropriate steps under the Juvenile Justice (Care and Protection of Children) Act 2015 in respect of the accused Nos.2 and 3.

5. Section 24 of the Juvenile Justice (Care and Protection of Children) Act clearly states that a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law. When that is a case even according to the second respondent, the case is yet to be charge sheeted, there may not be any impediment for issuance of passport to the petitioner. The first respondent is directed to process the petition mentioned application and issue passport to the petitioner subject to the usual formalities.

6. This writ petition stands allowed with the aforesaid directions to the second respondent. No costs.

13.07.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

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2. The Inspector of Police,
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