



W.P(MD)No.4360 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4360 of 2024

Minor Srinesh,
Rep. by Fater and Natural Guardian,
Ananthanarayanan.

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veethi,
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, praying this Court to issue a Writ of Mandamus, directing the respondents herein to issue the Passport in favour petitioner's son Srinesh based on petitioners son's application File No.MD1065957042923 dated 09.11.2023 within the time stipulated by this Court.



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For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.D.Saravanan,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard the learned counsel on either side.

2. The petitioner even as on date is a minor, some three 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.3.

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.



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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 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.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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