



2025:KER:61900

WP(C) NO. 18185 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

THURSDAY, THE 14TH DAY OF AUGUST 2025 / 23RD SRAVANA, 1947

WP(C) NO. 18185 OF 2025

PETITIONER:

BY ADVS.
SHRI.HARIKRISHNAN P.B.
SMT.SWETHA R.
SHRI.MUHAMMAD AFSAL A.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE HOME SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN -
695010
- 3 THE STATION HOUSE OFFICER
KARIKOTTAKARY POLICE STATION, KANNUR DISTRICT, PIN
- 670706
- 4 THE STATION HOUSE OFFICER
IRUTTY POLICE STATION, KANNUR DISTRICT, PIN -
670706

SMT. K B SONY -GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14.08.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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SHOBA ANNAMMA EAPEN,J

W.P(C).No. 18185 OF 2025

Dated this the 14th day of August,2025

J U D G M E N T

The prayers in the writ petition are as follows:-

- “i. issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to immediately delete and expunge all records relating to C.C.No.46/2011 on the files of the Juvenile Justice Board, Thalassery from their internal systems, including police department’s digital database in strict compliance with Section 24 and the provisions of Section3(xiv) of the Juvenile Justice (Care and Protection of Children) Act,2015;*
- ii. issue a writ of mandamus or any other appropriate writ, order or direction to the respondents to ensure that the petitioner’s juvenile records are not disclosed, accessed or relied upon in any official or administrative capacity in the future, particularly for purposes such as police verifications, employment background checks or passport verifications;*
- iii. issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider Ext.P4 representation letter and to pass appropriate directions to the concerned authorities within reasonable time;”*

2. Petitioner was arrayed as fifth respondent in C.C.No.46 of 2011 before the Juvenile Court, Thalassery for the offences alleged to have been committed under Sections 448 and 427 of the IPC while he was a minor. The afore matter was settled and compounded and he was acquitted. The petitioner challenges unlawful retention of the juvenile records despite his acquittal. The petitioner submits that a juvenile, who has been in conflict with the law, shall not be subjected to any



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disqualification arising from a past conviction. The petitioner relies on Section 3(xiv) and 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act'). Since the petitioner repeatedly participated in recruitment examinations for positions in public sector banks, he is apprehensive regarding the continued existence of his juvenile records in both judicial and police archives, particularly as such records could potentially surface during character verification conducted by the concerned police department. In order to ascertain the status of such records, the petitioner, through his lawyer, submitted an application seeking certified copies of the records pertaining to C.C.No.46/2011 on the files of the Juvenile Court, Thalassery. Pursuant to the application, details were readily furnished, thus confirming that the juvenile records remained in tact and accessible within the judicial system. Thereafter the petitioner filed Ext.P1 representation dated 17-03-2025 before the Principal Magistrate, Juvenile Justice Board, Thalasserry seeking erasure of all records pertaining to C.C.No.46/2011 from official archives in accordance with statutory mandates. By order dated 18-03-2025, the Principal Magistrate, Juvenile Justice Board, Thalassery directed the registry to delete the records and to ensure that the same are not made available for any official or public



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purpose. Though Ext.P2 representation was submitted, in the light of the order of the Magistrate, before the third respondent, the Station House Officer of Karikottakary Police Station- having jurisdiction over his current residence and the fourth respondent, the Station House Officer of Irutty Police Station, where the juvenile cases was originally registered, both officers informed him that the said juvenile cases continue to remain in their internal records and are accessible through the police department's digital database. Aggrieved by the same, the petitioner has approached this court with the above writ petition.

3. I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

4. The petitioner is aggrieved by the continued retention of his juvenile case records in police archives and though representations were filed before the police authorities, they have not erased the details in their records. Sections 3(xiv) and 24 of the Act reads as follows:-

“3(xiv) Principle of fresh start: All past records of any child under the Juvenile Justice system should be erased except in special circumstances.”

“24. Removal of disqualification on the findings of an offence.—
(1) Notwithstanding anything contained in any other law for the time being in force, 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:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (i) of sub-section (1) of section 19, the provisions of sub-



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section (1) shall not apply.

(2) The Board shall make an order directing the Police, or by to the Children's Court and its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.

5. C.C.No.46/2011 filed before the Juvenile Court, Thalassery, alleging the offences punishable under Sections 448 and 427 of IPC has been settled, compounded and the petitioner was acquitted in the afore case. Hence, going by Section 3(xiv) and 24 of the Act, it is mandatory that all past records of any child under the Juvenile Justice system should be erased except in special circumstances.

6. In **Union of India and others v. Ramesh Bishnoi** [(2019)19 SCC 710], the Apex Court had held that even if the juvenile had been convicted, the same could not have been held against him since in terms of Section 3(xiv) of the Act, no stigma is to be attached to any crime committed by juvenile i.e., object of legislation is to reintegrate juvenile back in society as normal person. It is admitted that the petitioner was a minor when the charges have been framed against him for the offences under Sections 427 and 448 of IPC. It was also not disputed that he was acquitted of the charges. The offences were allegedly committed by him when he was a minor. Section 3(xiv) and Section 24 of the Act provide



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for erasure of the records relating to the offences committed and the exception of special circumstances does not apply to the facts of the case. Hence, I am of the opinion that the writ petition is to be allowed by directing the respondents to immediately delete and expunge all case records relating to C.C.No.46/2011 on the files of the Juvenile Justice Board, Thalassery from their internal systems including the police department's digital database.

Accordingly, the writ petition is disposed of directing the respondents to delete and expunge all case records relating to C.C.No.46/2011 on the files of the Juvenile Justice Board, Thalassery from their internal systems, including the police department's digital data base. It is also made clear that the respondents shall ensure that the petitioner's juvenile records are not disclosed, accessed or relied upon in any official or administrative capacity in the future.

Sd/-

**SHOBA ANNAMMA EAPEN ,
JUDGE**

MBS/



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APPENDIX OF WP(C) 18185/2025

PETITIONER EXHIBITS

EXHIBIT-P1.	A TRUE COPY OF THE PETITIONER'S REPRESENTATION DATED 17.03.2025 ALONG WITH THE ORDER OF THE HON'BLE PRINCIPAL MAGISTRATE DATED 18.03.2025
EXHIBIT-P2.	A TRUE COPY OF THE REPRESENTATION DATED 18.04.2025, SUBMITTED BEFORE THE 3 RD AND 4 TH RESPONDENT
EXHIBIT-P3.	A TRUE COPY OF THE INTERVIEW CARD DATED 18.02.2025, ISSUED BY INSTITUTE OF BANKING PERSONNEL SELECTION (IBPS) TO THE PETITIONER ALONG WITH THE PROVISIONAL ALLOTMENT
EXHIBIT-P4.	A TRUE COPY OF THE REPRESENTATION LETTER DATED 05.05.2025 SUBMITTED BEFORE THE 1 ST RESPONDENT, ALONG WITH THE POSTAL REGISTRATION SLIP
Exhibits -P5	A CERTIFIED COPY OF THE EXT.P1 REPRESENTATION, DATED 17.03.2025 ALONG WITH THE ORDER OF THE HON'BLE PRINCIPAL MAGISTRATE DATED 18.03.2025