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WA-1257-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 8<sup>th</sup> OF MAY, 2025

WRIT APPEAL No. 1257 of 2025

*KU. NIKITA AND OTHERS*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Prahlad Choudhary - Senior Advocate assisted by Shri Aman  
Pandey, Advocate for appellants.

Shri Anubhav Jain, Government Advocate for respondents/State on  
advance notice.  
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ORDER

*Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice*

Being aggrieved by the order dated 28.01.2025 passed by the learned  
Single Judge in WP No.6877/2019, the writ petitioners have filed the instant  
appeal.

2. The writ petitioners/appellants herein challenged the FIR (Annexure-  
P/19 to the writ petition) and submitted that since the appellants No.1 and 2  
belong to Scheduled Tribe, therefore, the provisions of the Scheduled Castes  
and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the  
SC/ST Act") are not applicable qua the appellants No.1 and 2. Moreover, the



FIR should not have been registered even against the appellant No.3 because there is no provision in the Juvenile Justice (Care & Protection of Children) Act, 2015. The learned Single Judge disposed of the writ petition in view of the affidavit submitted by the Superintendent of Police, Khandwa that since one of the accused belongs to General Category therefore, the provisions of the Special Act are applicable and as and when the charge-sheet is filed, at that time, care will be taken not to file charge-sheet against the persons belonging to SC/ST category under the provisions of the SC/ST Act.

3. While arguing the matter, learned counsel for the appellants invited our attention to Section 30 (xii) of the Juvenile Justice (Care & Protection of Children) Act, 2015. The same reads as under:-

*"(xii) taking suo motu cognizance of cases and reaching out to children in need of care and protection, who are not produced before the Committee, provided that such decision is taken by at least three members;"*

4. Section 30 of the Act describes the functions and responsibilities of the committee. Thus, there is no substance in the argument of learned counsel for the appellants. Moreover, charge-sheet is not yet filed. In case, after filing of the charge-sheet, the appellants feel aggrieved, they may challenge the same at that stage before an appropriate forum.

5. This appeal is disposed of in the above terms.

(SURESH KUMAR KAIT)  
CHIEF JUSTICE

(VIVEK JAIN)  
JUDGE