

ITEM NO.17

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.9502/2023

[Arising out of impugned final judgment and order dated 19-06-2023 in MCRC No.24589/2023 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

THE STATE OF MADHYA PRADESH

Petitioner

VERSUS

JERALD ALAMEDA & ANR.

Respondents

(FOR ADMISSION and I.R.; I.A. No.152860/2023-EXEMPTION FROM FILING O.T. and I.A. No.152860/2023-EXEMPTION FROM FILING O.T.)

WITH

SLP (Crl.) No. 10143/2023 (II-A)
(With I.A. No.157906/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and I.A. No.157907/2023-EXEMPTION FROM FILING O.T.)

Date : 12-02-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s): Mr. Nachiketa Joshi, A.A.G.
Ms. Mrinal Gopal Elker, AOR
Mr. Sarthak Raizada-g.a., Adv.
Ms. Mrigna Shekhar, Adv.
Ms. Shruti Verma, Adv.

Ms. Swarupama Chaturvedi, Sr. Adv.
Mr. Abhaid Parikh, AOR
Ms. Katyayani Anand, Adv.
Ms. Garima Sardana, Adv.

For Respondent(s): Mr. Suryanarayana Singh, Sr. Adv.
Ms. Pragati Neekhara, AOR
Mr. Aditya Bhanu Neekhara, Adv.
Mr. Atul Dong, Adv.
Mr. Aniket Patel, Adv.

Ms. Mrinal Gopal Elker, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. The judgment and order dated 19th June, 2023 passed by a Single Judge of the High Court of Madhya Pradesh, Principal Seat at Jabalpur in MCRC No.24589/2023 is under challenge in the special leave petition. The High Court noticed that FIR No.461 dated 30th May, 2023 had been registered at Police Station-Madhav Nagar, District-Katni against the respondents for alleged offences punishable under Sections 3 and 5 of Madhya Pradesh Freedom of Religion Act, 2021¹ and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015². However, for the reasons assigned in paragraph 8 and other paragraphs of the impugned judgment, the High Court was of the view that the petitioners before it, who are the respondents before us, should be released on bail in anticipation of arrest and, accordingly ordered so with conditions as stipulated.
2. It has been brought to our notice that subsequent to filing of the charge-sheet under Section 173(2) of Code of Criminal Procedure, 1973 upon completion of investigation, the respondents have obtained regular bail from the trial court.
3. In such view of the matter, we see no reason to interfere with the order of the High Court granting bail in anticipation of arrest.
4. However, Ms. Chaturvedi, learned senior counsel appearing for the National Commission for Protection of Child Rights³, referring to the

¹ 2021 Act

² 2015 Act

³ NCPCR

observations made in paragraph 8 of the impugned order has contended that the same have cast a doubt on the *locus standi* of the NCPCR from lodging any complaint in respect of children having no parents or blood relations. According to her, the NCPCR has to act in its role as *parens patriae* and bear the responsibility of protecting children who are unable to protect themselves; hence the observations in paragraph 8 need to be expunged.

5. Having heard Ms. Chaturvedi, Mr. Joshi, learned senior counsel for the State of Madhya Pradesh and Ms. Neekhara, learned counsel for the respondents and upon consideration of the provisions of the Commission for Protection of Child Rights Act, 2005 assigning the role of *parens patriae* to the NCPCR *qua* children in distress as well as the 2015 Act and the 2021 Act, we have our reservations with regard to what has been expressed by the High Court in paragraph 8 of the impugned judgment and order. We, therefore, observe that the observations made in paragraph 8 shall not be treated to be precedent for deciding future cases and the question of *locus standi* of the NCPCR to lodge a complaint in an appropriate case, upon following the due procedure laid down therefor, is kept open.

6. The special leave petitions, accordingly, stand disposed of. Pending application(s), if any, shall also stand disposed of.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)