

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936**

**Crl.MC.No. 1295 of 2015 ()**  
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**CRIME NO. 49/2015 OF KARIPUR POLICE STATION, MALAPPURAM**

**PETITIONER(S)/ACCUSED:**  
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**ISMAIL K.P. AGED 29 YEARS  
S/O. ALIKUTY, KUPPANTE PURAKKAL HOUSE, EDAKADAPPURAM  
TANUR P.O., MALAPPURAM.**

**BY ADV. SRI.U.K.DEVIDAS**

**RESPONDENT(S)/COMPLAINANT AND STATE:**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE PASSPORT OFFICER,  
PASSPORT OFFICE, MALAPPURAM - 676505.**

**R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-03-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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**APPENDIX**

**PETITIONERS ANNEXURES:**

1. TRUE COPY OF THE PASSPORT IN BEARING NO.G8863221
2. CERTIFIED COPY OF THE FIR IN CRIME NO.49 OF 2015 OF KARIPPUR POLICE STATION ON THE FILES OF CHIEF JUDICIAL MAGISTRATE COURT, MANJERI
3. TRUE COPY OF THE FIRST PAGE OF THE SSLC BOOK
4. TRUE COPY OF THE DRIVING LICENSE
5. TRUE COPY OF THE ELECTION IDENTITY CARD

**RESPONDENTS ANNEXURES: NIL**

/TRUE COPY/

PATO JUDGE  
sab

**P.UBAID, J.**

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**Crl. M.C No.1295 of 2015**  
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Dated this the 3<sup>rd</sup> day of March, 2015.

**O R D E R**

The petitioner herein is the sole accused in Crime No.49 of 2015 of the Karippur police station registered under Sections 465, 468 and 471 IPC and under Section 12(1) (6) of the Passport Act 1967. He seeks orders under Section 482 Cr.P.C quashing the FIR and further proceedings. He has also brought a criminal M.A for a direction to the court below to release his passport. The allegation against the petitioner is serious that he corrected the date of birth in his passport, and thus committed forgery regarding the date of birth. Such a passport cannot be released to the petitioner for travel purposes. He can very well make an application before the learned Magistrate for permission to obtain a new passport. Such a course is possible under the rules and the notifications issued by the Central Government under the Passport Act. At this very preliminary stage, I find no reason to entertain this petition or quash the FIR. Investigation will have to proceed appropriately. Let the police find out on thorough investigation whether there is correction in the

petitioner's passport regarding the date of birth. If all the documents tally, regarding the date of birth, and if the police does not find any material to substantiate such an allegation of forgery after receiving report of scientific examination, the police can take decision appropriately. However, the extreme step of quashing the FIR cannot be resorted to at this stage. As regards the request for passport, as observed earlier, the petitioner will have to approach the trial court itself. This court cannot grant such a direction at this stage.

With these observations, this Crl.M.C is closed, without being admitted to files.

P.UBAID,  
JUDGE

sab