

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27336 of 2016

and

Cr1.M.P.Nos.13893 and 13894 of 2016

Mangalam Amalorpavam

... Petitioner

Vs

State represented by
The Sub Inspector of Police,
Fake Passport Team,
Central Crime Branch,
Vepery, Chennai-7.

... Respondent

Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No.133 of 2016 on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Elangovan

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed to quash the proceedings pending in Crime No.133 of 2016 on the file of the respondent police.

2. It is the case of the petitioner that on 28.10.1986, she applied for passport for ten years in the Regional Passport Office at Trichy and subsequently, in the year 1996, she applied for 20 years. In 1996, the passport authority had issued a hand written passport. After having obtained a 20 years valid passport in the year 1996, the petitioner has been using it since 1999. She has travelled to and from USA in April 1999, April 2002, June 2006 and June 2010. There are immigration seals on the passport for all these years. While so, in order to visit her family in Madurai and in order to renew

her passport, which is valid till October, 2016, the petitioner came to India on 26.7.2016. But, in the Airport at Chennai, the immigration authorities told the petitioner that their computer system shows 2006 as the expiry date of her passport instead of 2016. Though the petitioner repeatedly told the officials that she had paid for 20 years passport and got 20 years validity passport in 1996, they have informed her that 20 years passport was never in India. Though the petitioner showed the immigration seal in her passport of her visit to India in the year 2010, without verifying the same, the immigration officer has alleged that the petitioner forged the expiry date of the passport as 2016 in the place of 2006. Thereafter, on the information given by the Assistant Foreigners Registration Officer, Chennai International Airport, Chennai-27, the respondent police registered a case in Crime No.133 of 2016 as against the petitioner for the offences punishable under Section 13(i)(b) of Passport Act read with Sections 420, 468 and 471 I.P.C. and arrested the petitioner. Subsequently, she was released on bail. Now, to quash the said proceedings, the petitioner has come up with the present petition.

3. Learned counsel appearing for the petitioner submitted that while arresting the petitioner, the respondent seized her passport. However, none of the authorities have taken efforts to verify the genuinity of the passport. Further, he has submitted that as alleged by the respondent police, no such correction was made by the petitioner in her passport.

4. On the abovesaid submission made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor was directed to get instructions from the authorities concerned, who in turn, filed a letter dated 23.1.2017 of the Government of India, Ministry of External Affairs, Passport office, W.B.Road, Tiruchirappalli-8, wherein, the authority concerned has not stated anything against the petitioner. Further, in the said letter, it has been stated as follows:-

" On verification with the available digitized copy of the 1996 application (original application was destroyed due to efflux of time) the applicant has paid Rs.600/- for 20 years valid passport. On verifying the original passport, it is seen that the date of expiry of the passport is given as 29.10.2016. However, in PRIDE (Passport Related Information Data Exchange) the validity of the passport is shown as 29.10.2006. There may be a typing mistake / digitization error while migrating the data from the manual system to the NIC systems at that time.

Further it is informed that such mistakes occur while writing the passport those days as 20 years validity was new to the system and corresponding correction would not have been updated on the system to show that the passport was issued for 20 years."

5. Recording the said statement made in the letter dated 23.1.2017 from the Government of India, Ministry of External Affairs, Passport office, W.B.Road, Tiruchirappalli-8, the proceedings pending against the petitioner in Crime No.133 of 2016 on the file of the respondent police is quashed and the criminal original petition is allowed. Since the proceedings pending against the petitioner is quashed, the respondent police is directed to return the passport of the petitioner to her forthwith. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar (CO)

/true copy/

Sub Assistant Registrar

sbi

To

1.The Sub Inspector of Police,
Fake Passport Team,
Central Crime Branch,
Vepery, Chennai-7.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Elangovan, Advocate SR.No.6061

RSY (CO)
GN(08/02/2017)

Crl.O.P.No.27336 of 2016

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