

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3398-2015

Date of decision: September 11 , 2017.

Rahul Wadhawan

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Brijeshwar Singh Bhalla, Advocate for the petitioner(s).
Shri Dhruv Dayal, Sr. Dy. AG, Punjab.

A.B. Chaudhari, J. (Oral):

The petitioner seeks quashing of FIR No.135 dated 13.7.2008, registered under Sections 218, 465, 420, 467, 468, 471, 472, 120-B IPC and 13(2) of the Prevention of Corruption Act, 1988 and Passport Act, Police Station City Moga, District Moga.

This Court had in the case of Ramandeep Kaur v/s State of Punjab (CRM-M-24199-2010) decided on 2.2.2012 recorded a finding that on the date of application for issuance of passport, the petitioner therein was minor and therefore, the FIR was quashed. Relevant paragraph from the said judgment is reproduced below:-

““From the perusal of the case file, it reveals that only a school leaving certificate was found to be not in order. In the present case, the FIR had been lodged on the basis of a complaint that some of the officials of the Passport Office in District Moga in connivance with certain travel agents had been issuing passports on the basis of forged documents.

The petitioner was only 14 years of age and was a minor girl at the time of issuance of passport.”

Since Learned Counsel for the petitioner submitted that the case of the petitioner is fully covered by the said judgment except for the fact that the petitioner is another person and therefore, this Court had made an order on 4.8.2015 asking the State Counsel to file an affidavit as to how the case of the petitioner was different from the case of Ramandeep Kaur. Accordingly, the affidavit in reply has been filed and following is the relevant portion from the said affidavit:-

“5. That differences between the case of the petitioner and Ramandeep Kaur is as under:

i) Date of birth of Ramandeep Kaur is 23.01.1992 and date of applying for issuance of her passport is 14.03.2006 and at the time of applying passport her age was 14 Years 1 Month 19 days, whereas date of birth of petitioner is 28.08.1987 and he has applied for issuance of passport on 06.01.2005 and at the time of applying of his passport he was aged about 17 Years 5 months.

ii) That Ramandeep Kaur had used her passport on 14.2.2010 and at that time her age was 18 years 22 days, whereas petitioner had used his passport on 08.02.2010 and at that time his age was 22 years 5 months 10 days.

iii) That petitioner had got issued passport on the basis of forged and fabricated ration card whereas Ramandeep Kaur had got issued her passport on the basis of fake school certificate.

In this way at the time of using the passport i.e. 08.02.2010 petitioner was major and was well within knowledge that said passport has been get issued by him on the basis of forged ration card, even then he has used the same and has committed offences punishable as per provisions of IPC.”

In paragraph 5 above, it has been pointed out that the petitioner was of the age of 22 years 5 months and 10 days when he had used his passport on 8.2.2010. However, the said stand does not appeal to me. The reason is that the relevant date for commission of offence is the date of application for passport on the basis of the alleged document, i.e., the date when the offence are alleged to have taken place. It is an admitted position that on the date of application, the petitioner's age was 17 years and 5 months as stated in the above said paragraph 5. In that view of the matter, the case of the petitioner is covered by the cited judgment rendered by this Court on 2.2.2012. Hence, this petition is allowed and the rule is made absolute in terms of the prayer clause.

September 11, 2017.
kadyan

[A.B. Chaudhari]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No