

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.20857 of 2017
and
CrI.MP.No.12408 of 2017

J.Sivakumar

...Petitioner

vs

1. State By
The Inspector of Police
CCB-II, Chennai.

2. V.Anjana Krishnan

...Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records related to the case in Crime No.19 of 2017, on the file of the first respondent police and quash the same as against the petitioner/accused.

For petitioner :Mr.R.Thamaraiselvan

For Respondents:Mrs.Kritika Kamal.P.
Government Advocate
(CrI. Side) for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.19 of 2017, on the file of the first respondent police and quash the same as against the petitioner herein.

2. A film shooting team was leaving India via Anna International Airport on 04.04.2017 for shooting the Tamil film "Maan Vettai" in Ireland. After immigration clearance, the authorities noticed that three members were Srilankan nationals and they were holding Indian Passport, Indian Aadhar Card and other documents. Therefore, the team members were detained and during interrogation, it came to light that these members were being taken to Europe for seeking asylum. Hence, on the complaint given by the Assistant Foreigners Regional Registration Officer, Chennai, the first respondent police have registered a case in Crime No.19 of 2017 on 05.04.2017 for the offences under Sections 12(1A)(a) and 12(2) of the Passports Act, 1967 and Section 429 IPC against nine accused, including the petitioner herein, for quashing which, this petition has been filed.

3. Heard Mr.R.Thamaraiselvan, learned counsel for the petitioner, who submitted that the petitioner is an Indian national and that he had no knowledge that the three persons were Srilankan nationals. He also contended that this petitioner was not responsible for fabricating the Indian Passport and other documents.

4. Per contra, the first respondent police have filed a detailed counter, wherein, at Paragraph No.11, it is stated as follows:

"It is submitted that the overt act attributed the petitioner/A4 is that with the instigation of A9, A4 knowing fully helped to A1 to A3, even though they belongs to Srilankans, for obtaining fake documents and Passport through respective agents A5 to A7."

5. Before handing over those persons to the police, the Immigration Officials have conducted preliminary investigation, which showed that the three Srilankan nationals were handed over by Alwar (A8) to the petitioner herein, who was the Production Executive of the film "Maan Vettai" and therefore, the petitioner cannot plead ignorance. In the opinion of this Court, disputed questions of fact cannot be gone into in a quash petition filed under Section 482 Cr.P.C, especially, in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335].

6. The learned counsel for the petitioner contended that on account of the pendency of the FIR, the petitioner has not been able to take up the film shooting in foreign countries.

7. Since there are prima facie materials against the petitioner/A4 in the FIR, showing his involvement in trafficking of Srilankan nationals to Europe, the present FIR cannot be quashed. However, the first respondent police is directed to complete the investigation in Crime No.19 of 2017 expeditiously, within a period of six months from the date of receipt of a copy of this order, provided, there is no any other legal impediment.

In the result, this petition is dismissed, as being devoid of merits. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

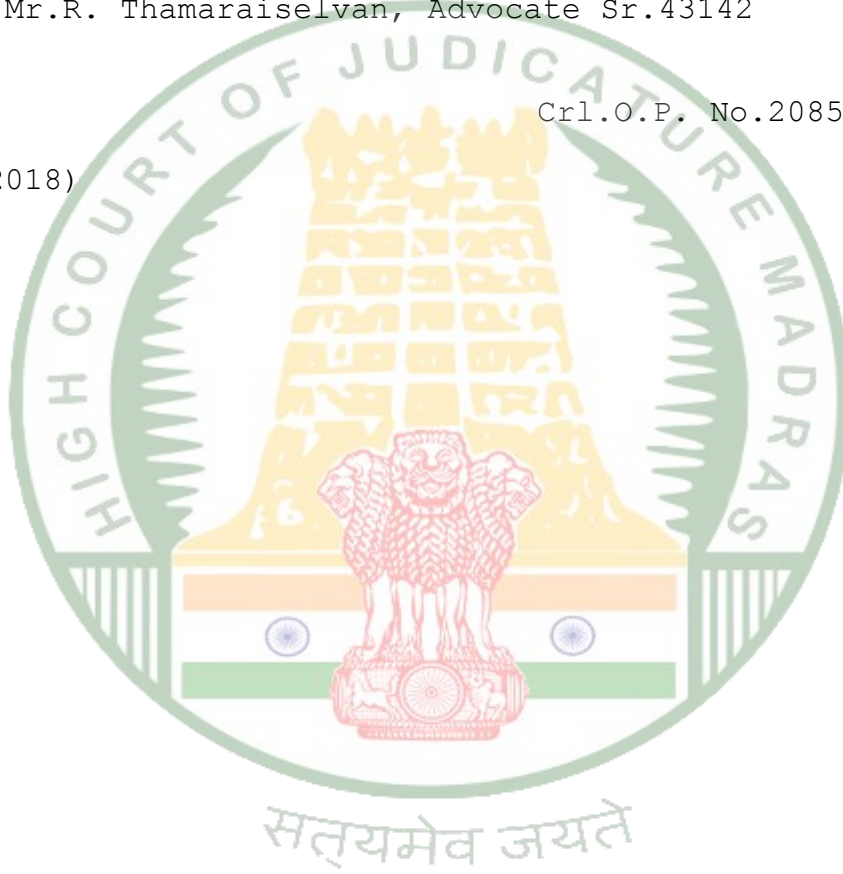
1.The Inspector of Police
CCB-II, Chennai.

2. The Public Prosecutor
High Court, Madras-104.

+ 1 cc to Mr.R. Thamaraiselvan, Advocate Sr.43142

Crl.O.P. No.20857 of 2017

(CCC)
EU(18/07/2018)



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