



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD).No.5927 of 2017 and
C.M.P.(MD)No.4013 and 4014 of 2017

R.Srinivas

... Petitioner/Sole Accused

Vs.

1. State represented by
The Inspector of Police,
West Police Station,
Kumbakonam,
(Crime No.183/2014)
2. The Regional Passport Officer,
Regional Passport Office,
Pulivar Road, Tiruchirapalli. ... Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records in the C.C.No.430/2014 on the file of the Judicial Magistrate, Kumbakonam and quash the same.

For Petitioner	: Mr.M.V.Venkateshan
For R-1	: Mr.M.Chandra Sekaran
	Additional Public Prosecutor
For R-2	: No appearance

ORDER

This petition has been filed to quash the final report filed against the petitioner for an alleged offence under Sections 467, 468, 471 of I.P.C., read with 12(1)(b) of Indian Passport Act, 1967.

2.The case of the prosecution is that when the petitioner applied for a passport before the Regional Passport Authority, Trichy on 05.11.2013, he submitted all his certificates. At that point of time, the authorities found that in the birth certificate the name of the petitioner was mentioned as Balaji and whereas the petitioner had applied for passport in the name of R.Srinivas.

3.It is seen from records that all the official documents namely the Transfer Certificate issued by the School, the Twelfth
<https://hcservices.ecmte.gov.in/hcservices/> Certificate, the Community Certificate given to the petitioner, the Driving Licence given to the petitioner, the Election Identity



Card given to the petitioner, the Aadhar Card in the name of the petitioner, the Nativity Certificate given to the petitioner and also the College I.D. Card, clearly mentioned the name of the petitioner as R.Srinivas.

4. At the time when the name is given for a Birth Certificate, some elder in the family should have given this name and the Corporation would have registered the said name in the Birth Certificate. The petitioner cannot be blamed for a different name in the Birth Certificate, since he had no control in the name that was given at the time of his birth. The respondent police ought to have taken into consideration the fact that all the documents issued by various authorities only shows in the name of the petitioner as R.Srinivas.

5. A reading of the final report and also the statement given by the witness does not make out any offence against the petitioner. A college going student has been unnecessarily roped into the criminal case by the respondent police by conducting an irresponsible investigation and filing a final report. The fact remains that the petitioner was unnecessarily harassed and roped in as an accused for no offence committed by the petitioner. This Court expresses its dissatisfaction with regard to the manner in which the investigation was conducted by the first respondent.

6. In the result, this Criminal Original Petition is allowed, the final report in C.C.No.430 of 2014 on the file of the learned Judicial Magistrate, Kumbakonam is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate, Kumbakonam.
2. The Inspector of Police,
West Police Station, Kumbakonam.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 2 CC TO Mr.M.V.VENKATASESHAN, ADVOCATE IN SR No. 83449

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