



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. [MD].No.14931 of 2018
and
CRL.M.P (MD) No.6608 of 2018

Muniasamy

: Petitioner

Vs.

1.The Inspector of Police,
Thiruppullani Police Station,
Ramnad District.
Crime No.222 of 2015.

2.The Passport Officer,
Passport Office,
Madurai Region, Madurai.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records and quash the proceedings in Cr.No.222 of 2018 on the file of the respondent police.

For Petitioner : Mr.R.M.Arun Swaminathan
For 1st Respondent : Ms.S.Bharathi
Government Advocate (Crl.Side)
For 2nd Respondent : Mr.R.Murugappa

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R., in Crime No.222 of 2015 filed by the respondent police against the petitioner for the offence punishable under Sections 465, 468, 471 I.P.C r/w 12(i) (b) of Indian Passport Act.

2.It is the case of the second respondent that the petitioner applied for a passport before the Passport Office, Madurai and while making the said application, the petitioner had submitted certain documents in order to prove his date of birth. When the Passport Officer checked the genuineness of the documents submitted by the petitioner, the same was found to be not genuine and therefore, the present F.I.R, came to be registered against the petitioner.

3.The learned counsel for the petitioner would submit that this application for issuance of passport was made before the Passport Officer, Madurai in the year 2002. Thereafter, it was never followed up. The petitioner had thereafter applied for passport before the Passport Officer, Trichy in the year 2003 and he submitted all the



documents sought for by the department and a passport was also issued to the petitioner by the Passport Officer, Trichy, in the year 2003.

4. The period of the passport expired in the year 2013 and therefore, the petitioner applied for renewal of the passport before the Passport Officer, Madurai on 10.12.2013. At that point of time, this controversy had arisen, which resulted in the registering of the F.I.R in the year 2015.

5. This Court had directed the second respondent to file a status report with regard to the nature of documents that were furnished by the petitioner before the Passport Officer, Trichy in the year 2003. The second respondent has also filed a counter affidavit and the relevant portions in the counter affidavit is extracted hereunder.

(5) It is submitted that the petitioner had again applied for fresh passport vide file No. TRYA30776603 Dt.29.05.2003 by completely changing his date of birth and by suppressing the details of previous passport application reference number and thereby obtained passport No.E7373011 Dt.10.12.2003. The petitioner had intentionally suppressed his previous passport application details in his passport application and obtained the passport No.E7373011 Dt.10.12.2003. This time, the petitioner had declared his date of birth as 15.04.1984 and his educational qualification as XI Standard in his second passport application and submitted two Bonafide Certificates from the Head Master of Government Higher Secondary School, Vannangundu, Ramanathapuram bearing admission No.674 Dt.29.01.2003 and Dt.09.12.2003 in support of his date of birth.

(6) It is submitted that the petitioner had applied for re-issue of passport vide file No.MD1077271031113 Dt.22.10.2013 in lieu of expiry of validity of passport No.E7373011 Dt.10.12.03. The petitioner had submitted Transfer Certificate bearing serial No.25/2004-2005 Dt.13.01.2010 issued by Head Master, Government Higher Secondary School, Vannangundu, Ramanathapuram. While processing his passport application it was noticed that the petitioner had already submitted another Transfer Certificate issued by Head Master, Government High School, Kadaladi, Ramanathapuram Jilla, declaring his date of birth as 06.02.1983.

(7) It is submitted that by suppressing the details of his previous passport application, the petitioner had obtained the passport No.E7373011 Dt.10.12.03 declaring the different date of birth as 15.04.1984. Since one person cannot have two different Transfer certificates with different date of births, the matter was referred to the issuing authorities to ascertain the genuineness of the Transfer Certificates submitted by the petitioner



for obtaining passport.

(8) It is submitted that the Head Master, Govt. Higher Secondary School, Vannangundu, Ramanathapuram in his reply Dt.02.01.14 had confirmed that the Transfer Certificate declaring date of birth as 15.04.1984 bearing Serial No.25/2004-05 is genuine one, whereas, the Head Master, Govt. Higher Secondary School, Kadaladi, Ramnad district 623 703 in his reply Dt.24.01.14 had confirmed that the certificate bearing SI.No.6634 and Admission No.203/94-95 Dt.16.09.1998 submitted by the petitioner was a fake one and the Head Master had further requested to take legal action against the petitioner for submitting fake transfer certificate to obtain passport."

6. It is seen from the counter affidavit filed by the second respondent that the documents that were relied upon by the Passport Officer, Trichy, at the time of issuing a passport to the petitioner in the year 2003 are genuine documents. There is no controversy with regard to the same. The only controversy is with regard to the documents furnished by the petitioner in the year 2002 before the Passport Office, Madurai. Admittedly, this application was never pursued by the petitioner and therefore, nothing came out of the application that was made before the Passport Office, Madurai in the year 2002.

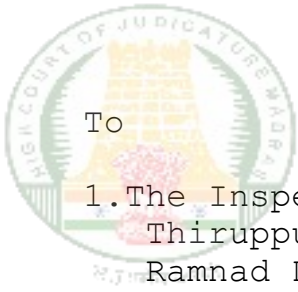
7. The application made by the petitioner in the year 2013 for renewal of the passport before the Passport Officer, Madurai, was based on the passport issued to him by the Passport Office, Trichy and as already observed by this Court, the said passport was obtained by submitting genuine documents and the same has been accepted by the second respondent in the counter affidavit filed before this Court.

8. In the facts and circumstances of the case, this Court finds that no useful purpose will be served by keeping the F.I.R., pending in Crime No.222 of 2015. Accordingly, the F.I.R, in Crime No. 222 of 2015 pending on the file of the first respondent is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)



To

1. The Inspector of Police,
Thiruppullani Police Station,
Ramnad District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR. ARUN SWAMINATHAN, ADVOCATE IN SR.NO.87437.

+1CC TO MR. R. MURUGAPPAN, ADVOCATE IN SR.NO.87628.

DAS

DS RP SAR-1:28.09.2018:4P/5C

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