

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.11571 of 2019
and CrI.M.P.No.5936 of 2019

G.Jayanthi Jayaraman Naidu

... Petitioner

Vs.

1.The State,
Rep, by The Inspector of Police,
District Crime Branch,
Vellore District,
Vellore.

2.Kalaivani

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertains to the impugned charge sheet in C.C.No.164 of 2018, on the file of Judicial Magistrate, Arakkonam and quash the same.

For Petitioner : M/s.P.R.Thiruneelakandan

For Respondents: Mr.C.Raghavan

Government Advocate for R1

O R D E R

This petition has been filed seeking to quash the proceedings pending before the Judicial Magistrate, Arakkonam, in C.C.No.164 of 2018.

2. The case of the prosecution is that the petitioner had applied for a fresh passport on 28.09.2012. Along with the application, the petitioner had submitted a school certificate, wherein her date of birth was found to be 22.06.1970 and the school certificate stated that the petitioner had studied in the Government school between the period from 11.06.1980 to 23.04.1984. On verification, the concerned authority found that the certificate itself was a false document and therefore, a false document has been submitted by the petitioner for the

purpose of getting a passport in this case. The second respondent proceeded to give a complaint to the first respondent police and an FIR came to be registered in Crime No.19 of 2015. On completion of the investigation, a final report has been filed before the Court below for an offence under Sections 465, 468, 471 and 420 r/w Section 12 (1) (b) of the Passport Act, 1967.

3. The learned counsel for the petitioner submitted that the petitioner herself was a victim in this case. The learned counsel submitted that the petitioner had approached one Mani, who promised that he can secure a job for the petitioner in Gulf Country. He obtained the signature of the petitioner in the application form and certain other documents. The petitioner later came to know that the said Mani was a fraudster and he had cheated several persons like the petitioner by making false promise of getting job in Foreign Countries.

4. The learned counsel for the petitioner further submitted that the petitioner had absolutely no role to play in the documents that were furnished before the Passport Office. In fact, the concerned authority initiated proceedings under the Passport Act and the petitioner had also paid a penalty of a sum of Rs.5,000/- for the contravention of the Section 12 (1) (b) of the Passport Act, 1967. Therefore, the petitioner submitted that the Criminal proceedings against the petitioner is an abuse of process of Court.

5. The learned Government Advocate appearing on behalf of the respondent police submitted that the document that was relied upon for the purpose of getting the passport was found to be a forged document and therefore, the respondent police proceeded further with the investigation and filed a final report before the Court below. The learned counsel submitted that there are no grounds to interfere with the proceedings at the stage.

6. This Court has carefully considered the submissions made on either side and perused the materials available on record.

7. It is clear from the records that the petitioner herself was a victim of circumstances. The petitioner with a bonafide intention of getting a foreign job, has approached one Mani and had signed in the application form and other documents that were shown to her by the said Mani. Later, the petitioner was informed that the documents that was furnished before the authority was a forged document. The petitioner had specifically pleaded before the Regional Passport Office at Chennai and taking into consideration the facts and circumstances of the case, the Passport Office itself had levied

penalty for a sum of Rs.5,000/- and this amount was also paid by the petitioner. This happened in the year 2015. However, later the petitioner came to know that the proceedings against the petitioner is pending before the Judicial Magistrate, Arakonam for the very same issue.

8. It is a pathetic case, where the petitioner has been cheated by another person and the petitioner had no role to play in fabricating the documents. That apart, in order to sustain a prosecution for an offence under Section 12 (1) (b) of the Passport Act, 1967, previous sanction of the Central Government is mandatory under Section 15 of the Act. Admittedly, in this case, there is no previous sanction obtained before the petitioner was prosecuted and the Court below took cognizance of the final report.

9. In view of the above, the Criminal proceedings against the petitioner is an abuse of process of Court and the same requires interference of this Court.

10. In the result, the proceedings in C.C.No.164 of 2018, on the file of Judicial Magistrate, Arakkonam, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate,
Arakkonam.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.R. Thiruneelakandan, Advocate sr 65233.

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BS (CO)
SP(28/08/2019)