



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P. (MD)No.865 of 2016

and

Cr1.M.P. (MD)No.444 of 2016

Mahizenthay

... Petitioner/Sole Accused

Vs.

1.State rep by

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

(Crime No.183 of 2014) ..1st Respondent/Complainant

2.The Passport Officer,

Passport Office,

Tiruchirappalli. ...2nd Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to Crime No.183 of 2014 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Jayaramachandran

For Respondents

: Mr.R.Anandharaj,

Additional Public Prosecutor

for R.1

Mr.G.Rajaraman

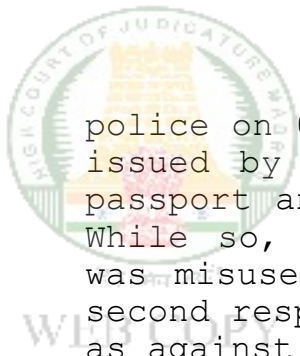
Central Government Standing

Counsel for R.2

ORDER

This criminal original petition has been filed by the petitioner challenging the proceedings pending as against him in Crime No.183 of 2014, on the file of the first respondent police, which was lodged by the second respondent, for the offence punishable under Sections 467, 468, 471 & 420 IPC r/w 12(1)(b) of the Indian Passport Act.

2. According to the petitioner, he applied for passport before the second respondent in the year 1994 and he was also issued with an international passport, bearing no.R326646 dated 12.04.1994. This passport was missed by him during transit, for which, he lodged a complaint before the first respondent police on 05.01.1998 and a non-traceable certificate was also issued by the first respondent



police on 03.02.1998. Thereafter, with the non-traceable certificate issued by the first respondent, the petitioner applied for a new passport and the second respondent have also issued a new passport. While so, the original passport dated 12.04.1994, which was lost, was misused by another person in the year 2004 and therefore, the second respondent / Passport Officer has filed the present complaint as against this petitioner.

3. Learned Additional Public Prosecutor, on instructions from Mr.D.Murugaesh, Inspector of Police, Ayyampettai Police Station, Thanjavur District, who is also present before this Court, submits that the case in Crime No.183 of 2014 was closed as mistake of fact and also produced a copy of the referred charge sheet.

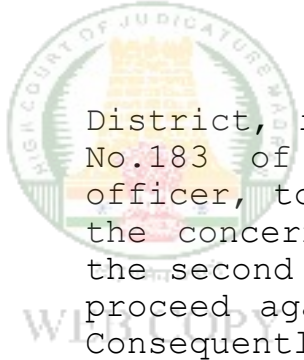
4. Perusal of the final report would disclose that the case in Crime No.183 of 2014 was closed based on the letter of the Assistant Passport Officer, Trichy, dated 24.03.2017. The Assistant Passport Officer, vide his letter dated 24.03.2017, has made a request to the first respondent / Inspector of Police, as follows:

"It is to be informed that this office has already restored passport facilities to Shri: Mahizenthy S/o Perumal and passport No. N6225722 dated 10-Feb-2016 was issued to him.

Therefore, it is again requested to take necessary action against the Travel Agent, namely, AJR Travels who filed the passport application vide file reference No.TRYE03681304 (copy enclosed) and tried to obtain passport through impersonation. Further you may drop action against the original applicant Shri: Mahizenthy S/o Perumal and withdraw the case against him vide Cr.No.183/14. The action taken report in this regard may be forwarded to this office for our records and further necessary action."

5. It is the specific case of the second respondent / complainant that one AJR Travels, No.14/1, St.Anne's Complex, Convent Road, Melapudur, Trichy - 620 001, has submitted the original passport bearing no.R326646 dated 12.04.1994 for reissue, on behalf of their customer. Therefore, the real culprit are the travel agency and their customer, who attempted to impersonate this petitioner and to renew the passport, which has already been declared as lost. But, it appears that the investigation officer, who closed the complaint in Crime No.183 of 2014, based on the letter dated 24.03.2017, has failed to proceed against the real culprits, namely, AJR Travels and its unknown customer, for the offence committed by them. The act of the investigation officer in handling the case is to be condemned.

6. Under the above circumstances, recording the submission of the learned Additional Public Prosecutor that no complaint is pending as against this petitioner and the case in Crime No.183 of 2014 registered as against this petitioner has been closed and also accepted by the learned Magistrate, this Criminal Original Petition is disposed of. However, the Superintendent of Police, Thanjavur



District, is directed to look into the final report filed in Crime No.183 of 2014 and entrust the same to another investigation officer, to file an application under Section 173(8) Cr.P.C., before the concerned Magistrate with the available documents produced by the second respondent / complainant as against the travel agency and proceed against the real accused, who have committed the offence. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

2.The Passport Officer,
Passport Office,
Tiruchirappalli.

3.The Superintendent of Police,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court, Madurai.

1 CC to M/s.S.RAJARAMAN, Advocate (SR-50746[F] dated 01/03/2019)

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and
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01.03.2019

DS/ /SAR- (18.03.2019) 3P 6C