



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/09/2019

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PRESENT

The Hon`ble **Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD) . No.5377 of 2015

and

M.P(MD) .Nos.1 and 2 of 2015

V.Vijaya Lakshmi ... Petitioner/Accused No.4  
Vs

1.The Inspector of Police,  
Central Crime Branch,  
Madurai City,  
Madurai District. ... 1<sup>st</sup> Respondent/Complainant  
Crime No.20 of 2012

2.A.Dharmalingam ... 2<sup>nd</sup> Respondent/Defacto complainant

PRAYER : Petition is filed under Section 482 of Cr.P.C to call for the records pertaining to the charge sheet in C.C.No.85 of 2012 pending before the learned Judicial Magistrate Court No.1, Madurai filed by the first respondent in Crime NO.20 of 2012 under Sections 177, 120 (b), 419, 465, 468 and 471 of IPC and Section 12(1)(b) of Indian Passport Act 1967 and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy  
For Respondents : Mr.A.Robinson (for R1)  
Government Advocate (Crl.Side)

### **ORDER**

The petitioner is facing trial as A4 in C.C.No.85 of 2012 on the file of Judicial Magistrate No.I, Madurai. Crime No.20 of 2012 was registered by first respondent herein based on source information. Information was received to the effect that Al-Jeyaraman committed impersonation of one Balamurugan and obtained passport in the year 2002 and went to Malaysia in the year 2003 for employment. The case was taken up for investigation and final report was filed not only against Jeyaraman but against three other persons. The petitioner is none other than the sister-in-law of Jeyaraman. To quash the impugned proceedings as far as the petitioner is concerned, this original petition has been filed.



2. Heard the learned counsel on either side.

3. The learned Government Advocate (crl.side) would point out that the petitioner is working in the Police Department and that only with her assistance, Al Jeyaraman was able to obtain a passport by impersonating Balamurugan. Balamurugan is none other than the erstwhile husband of one Manimegalai. The said Manimegalai was born with three sisters, namely Chitra, Hemalatha and the petitioner herein namely, Vijayalakshmi.

4. The learned Government Advocate also drew my attention to the statement recorded under Section 161 given by not only Balamurugan (LW2) but also Dhayanithi (LW4). According to the learned Government counsel, the documents of Balamurugan were with Vijayalakshmi, the petitioner herein and that it was the petitioner, who made them available to the first accused.

5. As rightly pointed out by the learned Government counsel, in the statements recorded under Section 161 Cr.P.C, there are materials to implicate the petitioner herein, but then, it is also seen from the records that the petitioner herein wrote a letter to the Regional Passport Officer, Trichy on 06.09.2011 informing him that Al-Jeyaraman impersonated Balamurugan (LW2) and obtained fraudulent passport. At Page No.19 of the typed set of papers, the acknowledgement of the Regional Passport officer, Trichy is also enclosed. The complaint of the petitioner is dated 06.09.2011, while the acknowledgment card is dated 09.09.2011. The FIR itself was registered only on 06.02.2012 and that too, on a *suo motu* basis.

6. It is so obvious that the FIR in this case was registered only following tip off from the petitioner herein. The petitioner has established the same through unimpeachable material.

7. It is further seen that the relationship between the petitioner and Al-Jeyaraman was under strain. The petitioner had lodged a criminal case against one Kasthuri, sister of Al-Jeyaraman. The same was registered as Crime No.1332 of 2011.

8. It is the case of the prosecution that the documents of Balamurugan (LW2) were used for obtaining passport by fraudulent means by Al. But then Manimegalai has not been made as accused in this case. The petitioner herein is only the sister-in-law of LW2 Balamurugan. Merely because the petitioner was in the Police Department, this Court cannot assume that the petitioner has facilitated obtaining of the passport in question. The petitioner was only a Constable during the relevant time. There is not even a single statement recorded from any official witness either in the Passport Department or in the Police Department with regard to the role played by the petitioner herein. Therefore, I am of the view that implicating the petitioner in the case in question is a clear abuse of the legal process. Therefore, impugned proceeding in C.C.No.05



of 2012 on the file of the Judicial Magistrate No.I, Madurai stands quashed as far as the petitioner is concerned.

9. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. Since the case of the year 2012, the learned Judicial Magistrate No.I, Madurai, is directed to conclude the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

rmk  
To

1. Judicial Magistrate Court No.1, Madurai.

2. The Inspector of Police,  
Central Crime Branch,  
Madurai City,  
Madurai District,

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

+1 CC to Mr.T. LAJAPATHI ROY, Advocate ( SR-90660[F] dated 01/10/2019 )

ORDER IN

CRL OP(MD) . No.5377 of 2015  
Date : 30/09/2019

VB(07.02.2020) 3P 5C