



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Crl.O.P.No.27610 of 2017 &
Crl.M.P.No.15755 of 2017

R.Ramachandran

...Petitioner

Vs.

1. The State rep. by Inspector of Police,
Koovagam Police Station,
Ariyalur District.
2. The Passport Officer,
Government of India Ministry of
External Affairs, West Boulevard Road,
Tiruchirapalli 620 008.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. seeking to call for the entire records connected with the crime No.09 of 2015 pending investigation on the file of the first respondent police and quash the same.

For petitioner : Mr.E.Sathiyaraj

For respondents : Mr.E.Raj Thilak,
Counsel for Govt (Crl.side) for R1

Mr.Dr.D.Simon, Central Govt.
Standing Counsel for R2

ORDER

This petition has been filed seeking to call for the entire records connected with the crime No.09 of 2015 pending investigation on the file of the first respondent police and quash the same.

2. The brief contentions of the petitioner is as follows:

The petitioner has applied for a passport before the



second respondent and they issued a passport bearing No.H4155291 on 19.06.2009. Since the petitioner's birth date was wrongly entered as 23.10.1993 instead of 20.07.1994, the petitioner filed a petition in Crl.M.P.No.5243 of 2012 before the Judicial Magistrate, Jeyangondam, seeking to issue birth certificate as his date of birth is 20.07.1994 and the same was issued on 20.09.2012. Based on the new birth certificate, the petitioner, approached the second respondent and requested for correction of his birth date as 20.07.1994 instead of 23.10.1993. However, his request was rejected by the second respondent and they also lodged a police complaint alleging that the petitioner gave bogus birth certificate for getting fresh passport. The complaint was registered in Crime No.9/2015 under Section 468 of IPC and 12(1)(b) of Passport Act and to quash the same, this petition has been filed.

3. The case of the prosecution is that the petitioner has applied for issuing fresh passport vide office file No.TR1077805263514 dated 09.07.2014 and he submitted a birth certificate as proof of date of birth along with the application form. At the time of verification of the original document, the genuineness of the birth certificate was suspected and therefore, a reference was made to the issuing authority for confirming the genuineness of birth certificate and the issuing authority has confirmed that the certificate is not genuine. Therefore, the second respondent had lodged a complaint against the petitioner before the first respondent and it was registered in Crime No.9 of 2015 for the offence under Section 468 of IPC and 12(1)(b) of Passport Act.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the Passport Department.

5. According to the petitioner, he had sought for only correction of the date of birth as 20.07.1994 instead of 23.10.1993 and to prove the same, he had produced the Transfer Certificate, and birth certificate, wherein, his date of birth is mentioned as 20.07.1994 however, the second respondent had wrongly understood that he had applied for fresh passport, by suppression of earlier passport and lodged a complaint.

6. The learned counsel appearing for the respondent submitted that, in this case, statements of the witnesses were recorded and investigation was over and final report has also been filed. He further submitted that the genuineness of the birth certificate will be proved only at the time of trial and hence, the petition may be dismissed.

7. At this juncture, it is relevant to extract Section



12 of the Passport Act.

12. Offences and penalties

" (1) ...

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(b) knowingly furnishes any false information or suppresses any material information with a view to obtaining a passport or travel document under this Act or without lawful authority alters or attempts to alter or causes to alter the entries made in a passport or travel document;

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both. "

8. On going through the materials available on record, it is seen that the petitioner had originally obtained a Passport bearing No.H4155291, on 19.06.2009 itself, giving his date of birth as 23.10.1993. After obtaining passport, in order to make correction in his date of birth, he had applied for issuance of birth certificate before the concerned Judicial Magistrate as his date of birth is 20.07.1994 and he had obtained the same on 14.08.2012. After receipt of such birth certificate, he approached the Passport office by producing the relevant documents to issue a fresh Passport, entering the date of birth as 20.07.1994. Suspecting the genuineness of the birth certificate, a letter was given to the issuing authorities to find out the genuineness of the birth certificate. The issuing authority after comparing the suspected birth certificate with the birth certificate originally issued, found that it was not genuine and it has been obtained only based on the orders passed by the Judicial Magistrate, Jayangondam. That being the case, this court is of the view that there is some apprehension in the minds of the Passport officials that some forgery has been committed by the petitioner in correcting his date of birth as 20.07.1994 and hence, they made a complaint to the concerned police officials and the first respondent has also registered a case against the petitioner for the offence under Section 468 IPC r/w 12(1)(b) of Passport Act. It is to be noted that after recording the statements of the witnesses and after due investigation, final report has also been filed. Therefore, only after trial, the truth will come out, whether the petitioner born on 23.10.1993 or on 20.07.1994. Such view of the matter, this court is not inclined to grant any relief as prayed for in this petition and it is for the petitioner to prove his innocence or his defense before the Court of Law.



9. Accordingly, this criminal original petition is dismissed. Consequently, connected criminal miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Inspector of Police,
Koovagam Police Station,
Ariyalur District.
2. The Passport Officer,
Government of India Ministry of
External Affairs, West Boulevard Road,
Tiruchirapalli 620 008.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.39141
+1cc to Mr.Dr.D.Simon, Advocate (CGSC), S.R.No.38628

Crl.O.P.No.27610 of 2017

JP-II(CO)
CT(22/09/2021)