

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD).No.3930 of 2019

Noor Mohammed

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police (Crime),
Ganesh Nagar Police Station,
Pudukkottai.

3.Zaithoon Beevi

4.Mohamed Anwar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to set aside the order passed by the learned Judicial Magistrate, Pudukkottai in Cr.M.P.No.6009 / 2018 dated 10.01.2019 and consequently, direct the respondent to register a case based on the complaint dated 04.10.2018.

For Petitioner : Mr.C.K.M.Appaji
For R1 and R2 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.
For R3 and R4 : Mr.R.Venkateswaran

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate No.I, Pudukkottai in Cr.M.P.No.6009 of 2018 on 10.01.2019, closing the petition filed by the petitioner under Section 156(3) of Cr.P.C.

2.The case of the petitioner is that the accused persons, who are his distant relatives, were involved in illegal business and they have obtained duplicate certificates as if they are living in the address of the petitioner and they have also provided false particulars. Thereby, the accused persons had secured duplicate passport.

3.The petitioner came to know about the same only subsequently when some enquiry was conducted by the Central Excise

and Custom Officials regarding some illegal transactions that were made by the accused persons and the authorities came to the address of the petitioner, since this address was given by the accused persons in the passport.

4.In view of the above, the petitioner gave a complaint to the respondent police and since no action was taken, a petition was filed under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.I, Pudukkottai. This petition was numbered and it was forwarded to the Passport Officer for enquiry and for filing a report.

5.The grievance of the petitioner is that the Passport Officer should have immediately taken steps to file a complaint against the accused persons and instead the petitioner was taking steps and this complaint was not entertained by the Court below by citing Section 12 of Passport Act, 1967 (hereinafter referred to as 'the Act'). Aggrieved by the same, the present Criminal Original Petition has been filed before this Court.

6.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4.

7.In the considered view of this Court, a false information that was furnished by the accused persons should be dealt with and they cannot let out free on mere technicalities. It is true that the offence under Section 12 of the Act can be prosecuted only by an authorized officer having proper sanction under Section 15 of the Act. The petitioner cannot prosecute the accused persons for the offence under Section 12 of the Act.

8.In view of the above, liberty is given to the petitioner to make a fresh complaint to the passport officials and on receipt of the same, the concerned Passport Officer shall initiate prosecution under Section 12 of the Act against the accused persons, after ascertaining whether they have furnished false information at the time of obtaining the passport. It will suffice, if such a direction is given by this Court.

9.This Criminal Original Petition is disposed of, accordingly.

13.09.2022

Index: Yes/No

Internet: Yes/No

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To

- 1.The Superintendent of Police,
Pudukkottai District.
- 2.The Inspector of Police (Crime),
Ganesh Nagar Police Station,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.ANAND VENKATESH, J.

Myr

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