



Crl.O.P.No.4054 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4054 of 2022

and

Crl.M.P.No.1995 of 2022

Papia Ghosh

... Petitioner

Vs.

1. The State Rep by
Inspector of Police,
Minjur Police Station,
Thiruvallur District.

2. The Inspector of Police,
CBCID, Kanchipuram District,
I/c. Thiruvallur District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.3519 of 2020 on the file of 1st respondent police pending disposal of the Criminal Original Petition.



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For Petitioner

: Mr.M.I.Javid Akbar

For Respondents

: Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

This petition has been filed to quash the FIR in Crime No.3519 of 2020, pending investigation on the file of the 1st respondent.

2. Heard Mr.M.I.Javid Akbar, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side), for respondents.

3. The case of the prosecution is that the petitioner fell in love with one Saju Sekh, who is a resident of West Bengal and they got married. According to the prosecution, the petitioner is a native of Bangladesh and that she had entered into India without obtaining any permission or Visa and she managed to marry the said Saju Sekh and was illegally staying in India at a rented premises in



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Minjur. The 2nd respondent lodged a complaint in this regard and an FIR came to be registered by the 1st respondent in Crime No.3519 of 2020 for an offence under Section 12(1) (a) of the Passport Act, 1967. Challenging the registration of the FIR, the present Criminal Original petition has been filed before this Court.

4. Copious materials have been placed before this Court to show that the petitioner is an Indian citizen. The petitioner was born in West Bengal and the same is clear from the Birth Certificate that has been filed before this Court. The petitioner has been given an Adhar Card which also shows that the petitioner is a resident of West Bengal. Even the marriage certificate that was issued to the petitioner when she married the said Saju shek shows that both of them are residents of West Bengal. That apart, the voters identity cards of both the father and mother of the petitioner shows that they are also the residents of west bengal. The Pan card of the petitioner has also been filed before this Court which also shows that the petitioner is very much a citizen of India.



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5. In the considered view of this Court, continuation of the investigation against the petitioner will result in an abuse of process of law which requires the interference of this Court in exercise of its Jurisdiction under Section 482 of Cr.PC. No offence has been made out under Section 12(1) (a) of the Passport Act or under Section 14 A of the Foreigners Act 1946, since the petitioner was born in India and she is a citizen of India and her parents are also Indians.

6. In the result, the Investigation in Crime No.3519 of 2020, pending on the file of the 1st respondent is hereby quashed. This Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

13.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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To

1. The State Rep by
Inspector of Police,
Minjur Police Station,
Thiruvallur District.
2. The Inspector of Police,
CBCID, Kanchipuram District,
I/c. Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

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