



Crl.O.P.No.9011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9011 of 2023

and

Crl.M.P.No.5802 of 2023

Vetri Selvan

...Petitioner

Vs.

1. State represented by
Inspector of Police,
Police Station,
T.Palur, Ariyalur District.

2. Passport Officer,
Ministry of External Affairs,
Passport Officer,
Trichirapalli.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the impugned Charge sheet and to quash the charge sheet in Crime No.18 of 2015 and proceedings in relating to the CC.No.100023 of 2017, on the file of the Judicial Magistrate I, Jayankondam for the offences punishable under Sections 471 of IPC r/w under Section 12(1) (b) of the Indian Passport Act, 1967.

For Petitioner : M/s. M.Senthil Vadivu



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For Respondents

R1

: Mr.S.Santhosh

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed calling for the records of the impugned Charge sheet and to quash the charge sheet in Crime No.18 of 2015 and proceedings relating to the CC.No.100023 of 2017, on the file of the Judicial Magistrate I, Jayankondam for the offences punishable under Sections 471 of IPC r/w Section 12(1) (b) of the Indian Passport Act, 1967.

2. It is the submission of the learned counsel for the petitioner that the petitioner is charged for the offences under Sections 471 of IPC r/w Section 12(1) (b) of the Indian Passport Act, 1967, alleging that the petitioner has forged the certificate at the time of applying for passport. It is her further submission that the petitioner's date of birth is 21.06.1992. The petitioner's father filed a petition for registration of his son's date of birth, namely the petitioner herein, under Section 13(3) of the Registration of Births and Deaths Act 1969. This matter was referred to Lok Adalat on the file of the Judicial Magistrate-I, Jayankondam. Accordingly, Lok Adalat Award was passed on 11.04.2015. The petitioner has not fabricated or



forged the date of birth. In these circumstances, this petition is filed.

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3. In response, the learned Government Advocate (Crl.side) submitted that it is seen from the records produced that the petitioner has fabricated the birth certificate while applying for passport.

4. Considered the rival submissions and perused the records.

5. As referred above, the main allegation against the petitioner is that when the petitioner submitted an application for passport and when it was produced before the defacto complainant in File No.TR1067926172714, the petitioner's birth certificate was found to be corrected and forged. On the said allegations, FIR was registered and after investigation, final report was filed.

6. The complaint in this case was registered on 23.01.2015. However, the Lok Adalat passed an Award dated 11.04.2015, subsequent to the registration of complaint. Therefore, the learned counsel for the petitioner cannot take defence now that the petitioner had not made any correction or fabrication in the birth



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certificate. According to the records produced, there are *prima facie* materials available to frame the charges against the petitioner and it is appropriate case for trial.

7. In this view of the matter, the prayer for quashment of the proceedings in CC.No.100023 of 2017, on the file of the Judicial Magistrate I, Jayankondam cannot be entertained. The Trial Court is directed to complete the trial without being influence by the observations made by this Court in this order.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

25.04.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate I, Jayankondam.
2. The Inspector of Police,
Police Station,
T.Palur, Ariyalur District.
3. Passport Officer,
Ministry of External Affairs,
Passport Officer,
Trichirapalli.
4. The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN.J.,

mn

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