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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 13/04/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.3008 of 2023
and
Cr1.MP(MD)No.2753 of 2023

Jameel Riath : Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District,
(Crime No.476 of 2021) : 1st Respondent/Complainant

2.Arun Prasanth,
Passport Officer,
Baharathi Ula Veethi,
Race Course Road,
Madurai District. : 2nd Respondent/De-facto
Complainant

PRAYER:- This Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime No.476 of 2021, dated 18/06/2021 on the file of the respondent No.1 and quash the same and pass such further or other orders.



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For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.S.Manikandan
Government Advocate
(Criminal side)

O R D E R

This criminal original petition has been filed seeking quashment of FIR in Crime No.476 of 2021, dated 18/06/2021 on the file of the respondent No.1.

2.The case of the prosecution in brief:-

The de-facto complainant is the Passport Officer, Madurai. He lodged a complaint stating that the accused surrendered the original Passport for renewal, on 18/09/2020. The original Passport file number is V811013. On scrutiny, it was found that the accused correct date of birth is 27/03/1975, but a fake certificate is produced stating as if he was born on 29/01/1979 and by the above said process, he obtained the original passport. On enquiry, he has stated that the above said information was furnished by his father, when he was juvenile without knowing the consequences and knowledge. On the basis of the above said finding, he lodged a complaint with the Superintendent of Police,



Ramanathapuram. Further process has been undertaken. Now a case has been registered in Crime No.476 of 2021 for the offences under sections 417 and 471 IPC.

3. Seeking quashment of the same, this petition has been filed by the petitioner mainly on the ground that the above said occurrence said to have taken place, when he was a juvenile; The above said information was furnished by his father and there is no fake certificate involved in this matter.

4. Heard both sides.

5. The original passport of the petitioner is bearing No.V811013, which was issued in 1984. According to the petitioner, he was five years old at that time. There was some family issue between the parents. In 1995, the petitioner's mother remarried one Jabarullah Khan. Again, he applied another passport, which was issued bearing No.U023710. At that time, a birth certificate was produced, which according to the prosecution, is a fake one.



6.The first passport was surrendered to the Regional Passport officer, in 2000. The second passport could not be traced, so could not be surrendered. He again applied passport under 'Lost Category', on 24/09/2019 at Madurai. While processing the passport application, the Passport Officer, Madurai found that three passports have been obtained by the petitioner first namely V811013, which was valid upto 1989. secondly bearing No.U023710 valid upto 2005 and third namely H7013635 valid upto 14/09/2019. So explanation was sought for from the petitioner and directed to surrender the earlier passports. The petitioner appeared before the Enquiry Officer. The Passport Officer sent the birth certificate, dated 29/01/1979 for verification to the Municipal Corporation, Ramanathanpuram. A reply was received from the Ramanathapuram Municipal Corporation stating that the above said document is not a genuine one. So, again explanation was sought for from the petitioner. He submitted that the first passport was obtained by his father, when he was five years old. The second passport was obtained, when he was 16 years old. The appeal that was filed by this petitioner was allowed by the appellate authority on the ground that a case in



Crime No.476 of 2021 has been registered against the petitioner and all the three passports expired long back. So those passports were revoked by the Passport Officer. So the Passport Officer was directed to process the application that is filed by the petitioner for renewal or new passport, as the case may be.

7.By pointing out this dates and events, the learned counsel appearing for the petitioner would submit that the second passport application was made, when he was a minor namely 16 years old. But his actual date of birth is not known. In spite of a direction issued to the petitioner to produce the correct date of birth particulars, he could not produce any document. Even he could not trace any other document showing the entries. So the basis on which, this petition is filed, is lacking proper particulars. Only during the course of the trial, the petitioner can produce the documents showing his correct date of birth. Whether he was a minor/juvenile at the time of the above said application can be decided only during the course of trial.



8.As stated above, absolutely no document has been produced by the petitioner to substantiate his plea. Without any basic document, this petition has been filed. On the sole ground, this petition is liable to be dismissed.

9.In the result, this criminal original petition is **dismissed. Consequently, connected Miscellaneous Petition is closed.**

13/04/2023

Index:Yes/No
Internet:Yes/No

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WEB COPY To,

- 1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District,
- 2.The Passport Officer,
Baharathi Ula Veethi,
Race Course Road,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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