

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY ,THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 3611 OF 2024

Between:

Arolla Raju, S/o. A. Gulvaiah, Aged about 24 years, Occ . Contractual Employee, R/o. H.No. 2-12, Munipally (V), Jakranpally (M), Nizamabad District - Telangana.

...PETITIONER/ACCUSED

AND

The State of Telangana, Through Public Prosecutor High Court For the State of Telangana at Hyderabad.

...RESPONDENT/DE -FACTO COMPLAINANT

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in C.C No. 64 of 2022 on the file of Hon'ble 1st Principal Junior Civil Judge, at Armoor against the Petitioner / Accused.

I.A. NO: 2 OF 2024

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in C.C No. 64 of 2022 on the file of Hon'ble 1st Principal Junior Civil Judge, at Armoor, pending disposal of the present Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri NIKUNJ DUGAR ,Advocate for the Petitioner and Sri S. Ganesh the Assistant Public Prosecutor (TG) on behalf of the Sole Respondent .

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.3611 OF 2024

ORDER:

This Criminal Petitions is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings against the petitioner/accused in C.C.No.64 of 2022, on the file of the I Principal Junior Civil Judge at Armoor, for the offences punishable under Sections 420, 468, 471 of the Indian Penal Code, 1860 and Section 12(1)(b) of the Indian Passport Act, 1967:

2. The brief facts of the case are that the petitioner applied for passport in the year 2019 vide application No. HY4061843495719 and passport was issued in his name on 04.02.2019 vide passport bearing No.S9678003. Later, the petitioner went to the Kingdom of Bahrain on 27.03.2021 for doing job. Thereafter, in the year 2023, he got lucrative job offer at the State of Israel, as such, he returned to India in December, 2023 and applied for visa to the State of Israel. In the said visa application process, he came to know that a case was pending against him in C.C.No.64 of 2022 before the I Principal Junior Civil Judge at Armoor, wherein it is stated that with identical photo of the petitioner, there is another passport application

vide file No. HYE061990428919 from Ankapoor Village, Armoor Mandal.

3. Heard Sri Nikunj Dugar, learned counsel for the petitioner and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that originally the passport was issued to petitioner on 04.02.2019 and after obtaining visa, he worked in the Kingdom of Bahrain from 2021 to 2023. He further submitted that except identical photo, all other details are contra to the details of the petitioner. In this regard, he placed reliance on the judgment of Madras High Court in ***R. Elangovan vs. State of Tamil Nadu and another***¹ and prayed the Court to allow the Criminal Petition by quashing the proceedings against the petitioner.

5. On the other hand, learned Assistant Public Prosecutor for respondent-State opposed the submissions of the learned counsel for the petitioner stating that as per the averments of the complaint, petitioner applied for fake passport with false details. As such, the alleged offence against the petitioner

¹2021 SCC Online Mad 7275

requires trial. Hence, he prayed the Court to dismiss the Criminal Petition.

6. In view of the rival submissions made by both the counsel, this Court has perused the material available on record. As per the petition averments, petitioner/accused re-applied for a fake passport with fake voter identity card. It is pertinent to note that except the identical photo, all other details are contra to the details of the petitioner. Admittedly, the petitioner was resident of Nizamabad and worked as office Attender at Gram Panchayat office from 01.09.2019 to 01.08.2020. However, in the said fake passport application, the address mentioned was Armoor.

7. At this stage, it is relevant to note the observations made by the Madras High Court in **R. Elangovan** (Supra), wherein, the Court held that any person whose identity has been stolen and a fresh passport has been applied cannot be held to be an accused and the person stealing such an identity can only be the accused.

8. Therefore, in view of the above discussion and principle laid down in **R. Elangovan** (Supra), this Court is of the considered opinion that the proceedings against the petitioner

are liable to be quashed as even in the instant case, the petitioner's identity was stolen by another person who applied for the said fake passport.

9. Accordingly, the Criminal Petition is Allowed and the proceedings against the petitioner/accused in C.C.No.64 of 2022 on the file of I Principal Junior Civil Judge at Armoor, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The I Principal Junior Civil Judge, at Armoor
2. Station House Officer, Armoor Police Station, Nizamabad District.
3. One CC to Sri. Nikunj Dugar, Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court For the State of Telangana At Hyderabad [OUT]
5. Two CD Copies

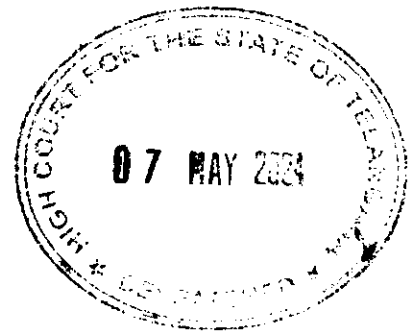
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HIGH COURT
DATED:02/05/2024

ORDER

CRLP.No.3611 of 2024



THE CRIMINAL PETITION IS ALLOWED.

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7/5/24
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