



CRL.OP(MD) No.4491 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL.O.P(MD) No.4491 of 2025

Atham Malik

... Petitioner

.VS.

1. The State Rep. by
The Inspector of Police,
Airport Police Station,
Tiruchirappalli City.
(Crime No.457 of 2024)

2. The Immigration Officer,
Bureau of Immigration,
Tiruchirappalli Airport,
Tiruchirappalli City.

3. The Regional Passport Officer,
Madurai Region,
Madurai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records



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in connection with Crime No.457 of 2024 on the file of the Inspector of Police, Airport Police Station, Tiruchirappalli City and subsequently quash the same.

For Petitioner : Mr.K.Arul Kavimani

For R1 to R3 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

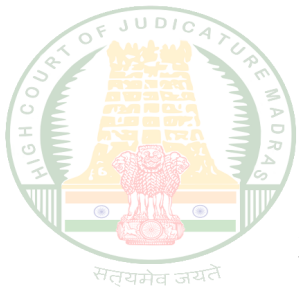
This petition has been filed by the petitioner to quash the F.I.R in Crime No.457 of 2024 on the file of the Inspector of Police, Airport Police Station, Tiruchirappalli City.

2. As per the prosecution case, on 20.12.2024, the petitioner having passport No.S7671794 having validity from 26.09.2018 to 25.09.2028 issued at Kuala Lumpur arrived from Kuala Lumpur through airlines. During the scrutiny of the travelled documents and casual interaction with the pax, the pax could not reply to the questions posted by the counter officer and thereafter, he revealed his name as Atham Malik son of Ahamed. As per the pax with an intention to go abroad for work purpose in 1983, he obtained a passport in his name Atham Malik and he departed to Malaysia on the strength of visit visa. By the same time, his own



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brother by name Haja Maideen son of A.Mohamed Sharifi had already been in Malaysia on the strength of PR status. During 1995, Haja Maideen passed away while he was in India. Subsequently, Atham father suggested him to impersonate Haja Maideen as he had already been on PR. Accordingly, Atham Malik pasted his own photo in the place of his brother passport No.V372490 issued on 08.05.1996 at Kuala Lumpur and using the same, he departed to Malaysia in the same year. Afterwards, the Atham Malik continued to stay in Malaysia on the same name of Haja Maideen. However, in the year 2005 during his renewal of PR, Atham learnt that biometrics is mandatory for renewal in the PR. In this regard, Atham had to return to India. He has applied for new passport on his new name and obtained passport bearing No.F9593783 in the year 2006 and using the same departed to Kuala Lumpur in the year 2008 on the strength of employment visa. Thereafter, the passport was renewed twice at Kuala Lumpur and obtained passport bearing registration No.M9059566 and S7671794 in 2015 and 2018 respectively. Therefore, based on the complaint, F.I.R has been registered in Crime No.457 of 2024 for the offences under Sections 336(3) and 340(2) of BNSS and 12(1)(b) of Passport Act, 1967.



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3. The learned counsel appearing for the petitioner would submit that the 2nd respondent lodged a false complaint against the petitioner and based on the same, a case in Crime No.457 of 2024 for the offences under Sections 336(3) and 340(2) of BNSS and 12(1)(b) of Passport Act, 1967 was registered. In fact, a false case has been foisted against the petitioner and the Airport Police Station had failed to confirm the veracity of the contents of the complaint. Without verifying the real facts, they registered a case. Therefore, the pending FIR is liable to be quashed.

4. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that based on the complaint lodged by the defacto complainant, they registered a case in Crime No.457 of 2024 and the same is pending under investigation. The allegations are serious in nature and the investigation is at budding stage. At this stage, investigation cannot be scuttled. Therefore, the petition is liable to be dismissed.

5. Heard both sides and perused the records.

6. The petitioner has filed the petition challenging the pending FIR



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in Crime No.457 of 2024 for the offences under Sections 336(3) and 340(2) of BNSS and 12(1)(b) of Passport Act, 1967. According to the petitioner, a false case has been foisted and without verifying the records the 1st respondent has registered the case. According to the 1st respondent, based on the complaint lodged by the 2nd respondent, they registered a case and the case is under investigation. This court also perused the records. There are so many allegations levelled against the petitioner, therefore, it needs elaborate investigation. On perusal of records, it is seen that there are serious allegations against the petitioner and as per the F.I.R, there are some specific allegations to constitute the offences as against the petitioner and the 1st respondent also has not completed the investigation. Considering the seriousness of the allegations, it needs an elaborate investigation and the investigation cannot be scuttled at this stage. Therefore, the petition has no merits and deserves to be dismissed. Accordingly, this Criminal Original Petition is dismissed.

28.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No

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P.DHANABAL, J.

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To

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Tiruchirappalli City.
(Crime No.457 of 2024)

2. The Immigration Officer,
Bureau of Immigration,
Tiruchirappalli Airport,
Tiruchirappalli City.

3. The Regional Passport Officer,
Madurai Region,
Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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