



Crl.O.P.(MD)No.21326 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.21326 of 2024

Vigneshwaran

.. Petitioner

Vs.

**1. The Inspector of Police
Nainarkovil Police Station
Ramanathapuram**

**2. The Regional Passport Officer
Bharathi Ula Veethi
Race Course Road,
Madurai**

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to C.C.No.217 of 2023 pending before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the proceedings against the petitioners as illegal in so far as the petitioner concerned.

For Petitioner : Mr.B.Mahendrarajan

**For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)
No.2 : Mr.Thalaimutharasu**



Crl.O.P.(MD)No.21326 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.217 of 2023 pending before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

2. According to the petitioner based on the complaint given by the second respondent the first respondent registered First Information Report in Crime No. 1 of 2023 for the offences under Section 12(1)(b) of passport Act. The main allegation against the petitioner is that while applying for passport he has given his place of birth as Paramakudi and while renewing the passport he has given his place of birth as Radhapuli. Infact his place of birth is Radhapuli which come under the Paramakudi Taluk, therefore there is no any offence committed by the petitioner and hence the proceedings in C.C.No.217 of 2023 pending before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District is liable to be quashed.

3. The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that based on the complaint given by the second respondent, the first respondent registered a case and thereafter



WEB COPY

filed final report after completing investigation . As per the final report there are *prima facie* materials available to prosecute against the petitioner. The petitioner earlier in the passport has given his place of birth as Paramakudi and thereafter while renewing it he had mentioned the place of birth as Radhapuli, therefore he committed offence under Section 12(1) (b) of Passport Act.

4. The learned counsel appearing for the second respondent would submit that the petitioner applied for passport on 12.08.2009 stating that his place of birth as Paramakudi. The petitioner applied for renewal of his passport by surrendering his passport NoH657686 dated 12.08.20009 issued by the second respondent. On verification of record he had obtained passport NoR1002271 issued by the passport office with difference place of birth. Therefore he lodged a complaint before the respondent police for double passport. The first respondent also after elaborate investigation filed final report and as per the final report there are *prima facie* materials available to proceed against the petitioner and hence the petitioner has to face the trial.



WEB COPY

5. Heard both sides and perused the materials available on record.

6. In this case there is no dispute that the petitioner had obtained passport No. H6546806 dated 12.08.2009 by mentioning his place of birth as Paramakudi. Again second passport was issued on 12.06.2017 in No.R1002271 wherein his place of birth was mentioned as Radhapuli and the same is also admitted by the petitioner. According to the second respondent/defacto complainant it amount to double passport. According to the petitioner there is no intention to cheat or suppress anything at the time of applying for passport in the year 2009 as his place of birth is Paramakudi since it is the Taluk. While reissuing passport he mentioned the place of birth as Radhapuli which also comes under the Paramakudi Taluk, therefore nothing was suppressed by the petitioner and it does not amount to double passport. Further the passport was also issued after verification of records. Thereafter later complaint was lodged by the second respondent that the place of birth mentioned as Radhapuli is not a new place and it also comes under the Paramakudi Taluk. Therefore the said fact cannot be taken as suppression of fact and without any suppression of facts and without any intention the petitioner cannot be prosecuted for the offence under Section 12(1)(b) of passport Act.



Crl.O.P.(MD)No.21326 of 2024

Moreover mentioning the name in the passport without any suppression will not amount to double passport.

WEB COPY

7. In view of the same, this Criminal Original Petition stands allowed and the proceedings in C.C.No.217 of 2023 pending before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District is hereby quashed.

10.02.2025

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

To

1. The Inspector of Police
Nainarkovil Police Station
Ramanathapuram
2. The Judicial Magistrate,
Paramakudi, Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21326 of 2024

P.DHANABAL,J.

aav

Crl.O.P.(MD)No.21326 of 2024

10.02.2025