



Crl.O.P.(MD)No.19268 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19268 of 2025

and

Crl.M.P.(MD).Nos.16114 and 16115 of 2025

K.Tharik

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu rep. by,
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
(In Crime No.35 of 2009)

... 1st Respondent/Complainant

2.The Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai – 625 002.

... 2nd Respondent/ Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case registered in impugned charge sheet in C.C.No.75 of 2017 on the file of the learned Judicial Magistrate No.2, Ramanathapuram in Crime No.35 of 2009 on the file of the first respondent Police and quash the same as illegal.

For Petitioner : Mr.A.Sheik Nasurdeen

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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For R-2

: Mr.P.Arun Jayatram
Central Government Standing Counsel

ORDER

This Criminal Original Petition is filed to quash the impugned final report in C.C.No.75 of 2017 on the file of the learned Judicial Magistrate No.II, Ramanathapuram, which was filed for the offences under Section 420, 468 and 471 of IPC.

2. The allegation in the final report is that the petitioner/A1 had produced a fake birth certificate at the time of applying for passport; that A2 had prepared the said forged certificate and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the alleged occurrence took place in the year 2009; that a case was registered in Crime No.35 of 2009 for the offences under Section 420, 468 and 471 of IPC; that the petitioner was hardly 19 years old at the relevant point of time; that there is no false statement inasmuch as the petitioner's original Date of Birth is 10.02.1991, as could be seen from his Transfer Certificate, Voter ID card and the date of birth mentioned in the forged certificate is 10.02.1991; that therefore, the ingredients of 'dishonestly' or 'fraudulently' have not been made



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out on the allegations; that hence, the property offences under Section 420, 468 and 471 of IPC would not be made out; that the FIR was pending investigation for eight years; and that the case is pending trial for the past eight years since 2017 as the second accused is absconding as he could not be apprehended.

4. Heard the learned Additional Public Prosecutor appearing for the first respondent, who submitted that the records would indicate that the petitioner had produced a fake birth certificate; that the points raised by the petitioner cannot be adjudicated in this quash petition and sought for dismissal of the quash petition.

5. The learned counsel for the defacto complainant/the Passport Authority would state that suspecting that the birth certificate produced by the petitioner was fake, they lodged a complaint and the certificate was found to be fake; and that therefore, the impugned prosecution may not be quashed.

6. At this stage, this Court cannot hold that the certificate produced by the petitioner is not fake. That question can be decided only by the Trial Court. However, the question is even assuming that a fake birth certificate is produced, whether the petitioner can be prosecuted for the alleged offences. It is the case



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of the petitioner that he was 19 years old at the time of the occurrence; that he had documents to suggest that he was born on 10.02.1991, i.e., Transfer Certificate and Voter ID card; that he had approached the second accused for obtaining a birth certificate; and that he was not aware of the alleged forgery. This Court cannot accept that submission also at this stage.

7. However, admittedly the original date of birth of the petitioner and in the fake certificate said to have been produced by him before the passport authorities, are the same. The passport authority had rejected the petitioner's application. The petitioner had not gained wrongfully or had not caused any wrongful loss to the authorities. Even assuming that by filing an application with fake certificate has caused harm, considering the fact that the petitioner was aged 19 years at the time of occurrence and the harm caused by him is slight, this Court is inclined to take a lenient view insofar as the petitioner is concerned.

8. That apart though the FIR was registered in the year 2009, the impugned final report was filed in the year 2017. There has not been any progress in the trial since the 2nd accused is said to be absconding.



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9. Considering all the above factors, this Court is inclined to quash the impugned proceedings as against the petitioner. Accordingly, the impugned final report in C.C.No.75 of 2017 on the file of the learned Judicial Magistrate No.II, Ramanathapuram is quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

06.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm/ars

To

- 1.The Judicial Magistrate Court No.2,
Ramanathapuram.
- 2.The Inspector of Police,
District Crime Branch,
Ramanathapuram.
- 3.The Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Racecourse Road,
Madurai – 625 002.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm/ars

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