



Crl.O.P.(MD).No.7122 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.7122 of 2026

Rajesh

... Petitioner/Accused

Vs

1. The State of Tamil Nadu,
Represented by
The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.
2. The Inspector of Police,
Airport Police Station,
Trichy City.
(Crime No.314 of 2024)

3. Pavan Kumar,
Airport Staff,
Immigration Officer,
Trichy International Airport,
Trichy, Tamil Nadu.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents 1 and 2 to file the final report in the above case in Crime No.314 of 2024 on the file of the second respondent police as expeditiously as possible and within the time stipulated by this Court.



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For Petitioner : Mr.B.Jameel Arasu
For R1 and R2 : Mr.A.Albert James
Government Advocate (Crl.Side)

ORDER

The present petition has been filed seeking a direction to the respondent police to file a final report in Crime No.314 of 2024.

2. The petitioner is an accused in Crime No.314 of 2024 registered for the offences under sections 336(3), 340(2) of the BNS and section 12(1)(b) of the Passports Act 1967 and was detained by the Immigration Officer at Trichy International Airport while boarding a flight to Singapore and thereafter arrested by the respondent police. The petitioner was detained pursuant to the LOC issued by the Foreigners Regional Registration Office (in short the “FRRO”) at Mumbai and during scrutiny of his travel documents and enquiry, the immigration officials found that the petitioner had obtained a Norwegian Passport while already possessing an Indian passport and by hiding the same, an Indian visa was also obtained in the name of the petitioner.



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3. The learned counsel for the petitioner submits that the petitioner is innocent. He is working as a labourer at Singapore. He has obtained the passport through a travel agent and it is the travel agent who collected the photograph of this petitioner and has misused his photograph to create a fake Norway passport and therefore, a case has been foisted against the petitioner in Crime No.314 of 2024.

4. The grievance of the petitioner is that he is innocent and that the respondent police has not conducted a proper investigation and found out the truth. Therefore, he is not in a position to travel abroad in view of the case which is pending against him in Crime No.314 of 2024.

5. The learned Counsel for the petitioner further submits that in view of this difficulty, this petitioner has approached this Court on an earlier occasion seeking a direction to the respondent police to file the final report within a stipulated time. The said application filed by this petitioner in Crl.OP(MD) No.13566 of 2025 was dismissed by this Court on 14.08.2025 that the accused cannot dictate to the respondent police as to how the investigation should be carried out or prescribe a timeline for completing the investigation.



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Even after a lapse of two years from the date of registration of the FIR in Crime No. 314 of 2024, the respondent Police has not taken any steps to conclude the investigation. In the event, if a proper investigation had been conducted, then the respondent police could have found that this petitioner is an innocent person and his photograph has been used by his travel agent for this fake passport. Because of the slackness of the respondent police, this petitioner is suffering without having any job opportunities. According to him, the petitioner's avocation is based on labour work, which he had carried out at Singapore and in view of the pending case, he is not in a position to travel abroad. Hence, he prays for appropriate orders.

6. The learned Government Advocate (Criminal Side) takes notice for the respondents and submits that the final report would be filed within a period of two weeks. This submission has been made by the Learned Government Advocate based on the instructions provided to him by the Sub Inspector of Police attached to the respondent police namely, one Mrs.Indra Gandhi.



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7. This Court also verified with the officer, who is present before this court, as to whether she is instructing the Government Advocate with the CD file. The officer has stated that she is having the CD file and therefore, this Court called for the CD file for perusal. On going through the same, it appears that this petitioner was arrested based on a complaint filed by the Immigration Officer at Trichy International Airport on 21.09.2024. This court found that a statement has been recorded from the petitioner by the immigration officer although the date or time of the same is not specified. The translated version of this statement is extracted as under:

“My name is Rajesh, S/o. Rajendran and I am residing at R/o.No.3/120, Rakkan Street, Ullikkottai Po, Mannargudi Taluk, Thiruvavur, Tamil Nadu – 614 018, along with my family. Owing to my poor financial position. I wanted to go abroad and accordingly in 2008, I obtained a passport bearing number G9558097 at Trichy RPO and using which in 2008, I went to Singapore for work purpose and there I continued to stay until 2021. Afterwards, owing to injury in Singapore, I shifted to trading and continued do so till now. In recent times, I saw dip in my income from trading and hence I wanted to go Canada. In this regard, I approached the agent namely Mohan (Contact No.+919944598283, resident of Seetaram Street, Ullikkottai, Thiruvavoor District) who advised me to get a Norway passport as it would be easy to get Canadian work permit against a Norway passport.



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Besides, the agent advised me to use Srilankan identity, as the same would enable me to get the Norway passport with little effort. Accordingly, I obtained Norway passport bearing No.34937716 and having validity from 06.04.2023 to 06.04.2033 by quoting my Srilankan national ID No. 01058831875 and place of birth as Srilanka. Using this passport, I wanted to create a travel history before I apply for work permit to Canada. Accordingly, I applied for Indian visa on August 21, 2024 using the Srilankan ID No. 01058831875 and by hiding the fact that I already had an Indian Passport. To this effect, I have been issued with an Indian visa bearing No.901C13DBO.

2. Against this background, I arrived to Trichy international airport on 20.09.2024 to travel to Singapore by Scoot airlines flight No.TR-565 against my Indian passport bearing No.X9513817 and having validity from 21.06.2023 to 20.06.2033. Using the above passport I approached immigration counter seeking clearance. During the Immigration clearance, I was enquired by the Immigration Officers about my Norway Passport and other details including my place of birth. Though I was questioned by the Indian immigration authorities earlier I did lie about my personal details and thereby could avoid further scrutiny. However, this time I could not do so owing to repeated cross questioning by the immigration officials and at one point of time, I confessed that I had obtained Indian visa by hiding the facts about my Indian Passport.

3. The above statement is true to the best of my knowledge and belief. The recorded statement in English has



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been explained to me in Tamil and is correct.

4. I confessed the above details to the immigration officials voluntarily without any compulsion.”

8. Thereafter, the Investigating Officer has obtained a statement from the petitioner under section 180(3) of the BNSS on 21.09.2024. As per the statement of the petitioner, it appears that a travel agent, one Mohan has advised the petitioner to obtain a fake Norweigan passport for job opportunities in Canada by using a fake Sri Lankan National Identity Card. Thereafter, there is no progress in the investigation. The remand report and the requisition to the Magistrate for remanding the petitioner is available in the CD file. It appears that apparently the respondent police has not acted upon the case in Crime No.314 of 2024 for the reasons best known to them.

9. The petitioner claims that he is innocent and his photo has been misused by his travel agent. The respondent police has not even verified the travel agent through whom the petitioner has obtained the passport and recorded his statement. The petitioner is working abroad as a labour. According to him, his avocation is only through the labour work which he is having at Singapore and his family is dependent on the income from the



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same. In view of this criminal case registered as against this petitioner, this petitioner claims that he is not in a position to travel abroad and obtain any work and he is working as an agriculture coolie. The income of the petitioner and others who are working in abroad contributes foreign exchange to the Indian economy. In view of this criminal case, the petitioner is being prevented from going abroad and seeking employment. The respondent police who have registered the case on 21.09.2024 has kept the case pending without any progress for nearly 2 years. The investigating officers ought to have examined the role of the travel agent and whether the travel agent is the real accused. If the travel agent has committed the alleged misconduct, the investigating officers should have also examined whether similar acts were committed against other persons like the petitioner and how the fake travel documents were prepared. It appears that the investigation has failed to examine these aspects. Such conduct on the part of the investigating officers reflects a concerning attitude prevalent within the police force in general. The higher officials who are supposed to monitor the stage of the investigations are not bothered about the same. Though there are crime review meetings, it is not known whether they are following up on the pending cases and the reasons for the pendency of the cases.



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10. This Court is of the view that the respondent police has not discharged their duties and this petitioner has been affected as a result of the same. In fact, this Court did not entertain the earlier application under the impression that this petitioner accused cannot dictate to the police as to how the investigation should be carried out. The respondent police at least, ought to have woke up on the earlier application filed by the petitioner in Criminal O.P(MD)No.13566 of 2025 and ought to have corrected themselves by concluding the investigation. Even after the earlier application and the earlier orders of this Court, the respondent police have not realized their responsibilities and duties. Ultimately, the sufferer is the petitioner and this Court is also feeling guilty for not entertaining the earlier application of this petitioner.

11. Considering the lethargic manner in which this petitioner has been dealt with by the respondent police, this Court directs the Inspector General of Police, Central Zone, Trichy to transfer the investigation in Crime No.314 of 2024 from the file of the respondent police and entrust the same to some other responsible officer and also ensure that the final report is filed within a



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period of three months from the date of receipt of a copy of this order. The new officer has to realise their responsibility in conducting the investigation and has to find out the truth instead of targeting the petitioner for having filed this petition.

12. Considering the manner in which this petitioner has been dealt with and was made to file 2 applications seeking the relief to prove his innocence, this Court while disposing this application, is inclined to impose a cost of Rs 25,000/-(Rupees Twenty Five Thousand only) and the same shall be paid as a compensation to this petitioner, jointly, by the investigation officers who have failed to carry out their duty.

13. With the above said directions, this Criminal Original Petition stands disposed of.

10.04.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy City.
2. The Inspector of Police,
Airport Police Station,
Trichy City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Inspector General of Police,
Central Zone,
Trichy.



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B.PUGALENDHI, J.

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