

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 6301 of 2015 (K)

PETITIONER(S):

**SUNIL KUMAR APPU, AGED 39 YEARS
S/O. APPU VELAN, AYYAPPA NILAYAM, MANAPPADOM POST
VADAKKENCHERRY, PALAKKAD DISTRICT.**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S):

- 1. THE REGIONAL PASSPORT OFFICER
OFFICE OF REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR
COCHIN-682036.**
- 2. THE DISTRICT SUPERINTENDENT OF POLICE,
PALAKKAD, OFFICE OF THE
DISTRICT SUPERINTENDENT OF POLICE
DPO ROAD, PALAKKAD-678001.**

**R1 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT ISSUED TO THE PETITIONER.**
- EXT.P2. TRUE COPY OF THE VISA ENDORSED ON THE PASSPORT OF THE PETITIONER BY THE STATE OF QATAR.**
- EXT.P3. TRUE COPY OF THE SURRENDER CERTIFICATE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**
- EXT.P4. TRUE COPY OF THE COMPLAINT DATED 20-3-2014 FILED BEFORE THE 2ND RESPONDENT BY THE WIFE OF THE PETITIONER.**
- EXT.P5. TRUE COPY OF THE FIRST INFORMATION REPORT.**

RESPONDENT(S)' ANNEXURE

ANNEXURE A1: TRUE COPY OF THE COMMUNICATION NO.2649/SB/PP/15P DATED 6/2/15 ISSUED FROM THE OFFICE OF THE DISTRICT POLICE CHIEF, PALAKKAD.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 6301 of 2015

Dated this the 6th day of March, 2015

J U D G M E N T

Grievance of the petitioner is mainly with regard to the stand taken by the 1st respondent/Regional Passport Officer, in retaining the passport after getting the surrender referring to the pendency of a criminal case. The relevant pages of the passport have been produced by the petitioner as per Ext.P1. The petitioner has obtained a visa endorsed on the passport from the State of Qatar, as evident from Ext.P2. The petitioner was served with a memo/intimation issued by the 1st respondent seeking to surrender the passport. Pursuant to this, the passport was surrendered, upon which Ext.P3 'certificate of surrender' was issued. The case of the petitioner is that, the criminal case stated as pending against the petitioner was pursuant to Ext.P4 complaint preferred by the wife of the petitioner; in turn leading to Ext.P5 F.I.R. There is absolutely no rhyme or reason in retaining the passport of the petitioner, submits the counsel for the petitioner.

2. The learned standing counsel submits on the other hand that, the passport was sought for and obtained under the 'Tatkal' Scheme and in the further course of proceedings, Police verification was sought for. An adverse Police verification report was obtained referring to the pendency of the criminal case, also involving offence under Section 498A IPC. It is stated that, the case is pending before the Judicial First Class Magistrate's Court, Alathur as C.C. No.1568/2014.

3. In the above circumstances, the petitioner is relegated to move the concerned Magistrate's Court and to get a clearance, so as to enable the respondent to release the same. On production of the clearance as above, the passport belonging to the petitioner shall be released to the petitioner forthwith.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.