

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38138 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 1st respondent in not issuing the passport to the petitioner on the ground of pendency of CrI.A.No.431 of 2015, on the file of the IV Additional District Judge, Ranga Reddy District, filed by the *de facto* complainant against acquittal by the trial Court and also pendency of D.V.C.No.6 of 2012, on the file of the II Additional Metropolitan Magistrate, Ranga Reddy District, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the wife of the petitioner made a complaint before the Women Police Station, Saroornagar, Cyberabad, and the same was registered as Crime No.140 of 2011 for the offence under Section 498-A IPC and that after completing the trial, the Court acquitted the petitioner and that the petitioner made an application to the 1st respondent for issuance of passport and when the police came for conducting enquiry, the 1st respondent sent a notice to the petitioner asking for the explanation as to the pendency of the CrI.A.No.431 of 2015, on the file of the IV Additional District Judge, Ranga Reddy District and D.V.C.No.6 of 2012, on the file of the II Metropolitan Magistrate, Ranga Reddy District and consequently closed his application.

Learned counsel for the petitioner submitted that the pendency of appeal and D.V.C. against the petitioner will not stand in the way of granting of passport in favour of the petitioner.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, this Court is of the

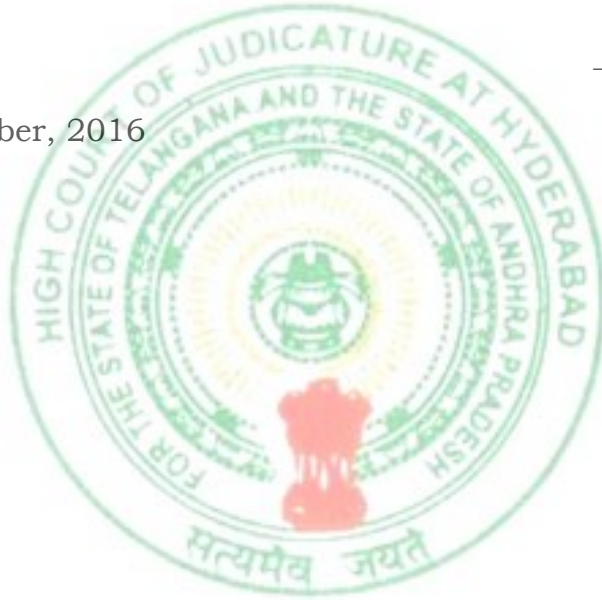
view that the petitioner may avail the remedy by way of filing an appropriate application before the appellate authority of the 1st respondent.

Having regard to the same, the Writ Petition is disposed of with a liberty to the petitioner to avail the remedy by way of filing an appropriate application before the appellate authority of the 1st respondent and the appellate authority shall consider the same in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 7th November, 2016

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RAJA ELANGO,J