



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.12201 of 2017

and

W.M.P(MD)Nos.9395 and 9396 of 2017

Subburaj Nagasamy

.. Petitioner

Vs.

1. The Regional Passport Officer,
Bharathi Ula Street, Race Course Road,
Madurai - 620 002.

2. The Inspector of Police,
D-4, Thirunagar Police Station,
Madurai District.

.. Respondents

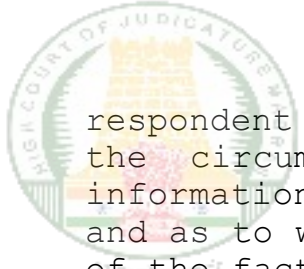
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Ref.No.SCN/305426115/17 dated 02.05.2017 and quash the same.

For Petitioner	: Mr.M.Dinesh
For Respondent No.1	: Mr.C.Nandagopal
For Respondent No.2	: Mr.J.Gunaseelan Muthiah, Government Advocate.

ORDER

This writ petition has been filed seeking a Writ of Certiorari to quash the impugned order passed by the first respondent in Ref.No.SCN/305426115/17 dated 02.05.2017.

2.According to the petitioner, he is an Indian citizen and he is the holder of a Passport bearing No.P7210302, dated 06.02.2017. On the complaint lodged by one James, the second respondent police registered a case in Crime No.673 of 2014 for the offences under Sections 147, 120(b), 406, 419, 420, 467, 468 and 506(i) IPC against the petitioner and others and he was released on anticipatory bail. On subsequent verification by the Passport Authorities, it came to their notice that the above said criminal case in Crime No.673 of 2014 on the file of second respondent police is pending against the petitioner. According to the first respondent, the petitioner had suppressed the same and obtained the passport. In this regard, a show cause notice dated 02.05.2017 was issued by the first



respondent to the petitioner, calling upon him to explain regarding the circumstances under which he had suppressed the material information in his passport application and obtained the passport and as to why action should not be taken against him for suppression of the factum of the pendency of the criminal case against him. The petitioner also submitted his explanation dated 11.05.2017 to the first respondent stating that charge sheet has not been filed before the criminal Court and he has not received summon from the Court. Under such circumstances, the petitioner has filed the present Writ Petition for quashing the impugned order of the first respondent.

3.The learned Counsel appearing for the first respondent submits that the pendency of criminal proceedings was reported by the police officials and therefore the first respondent issued the impugned proceedings to the petitioner.

4.In reply, the learned Counsel appearing for the petitioner placed reliance upon the order of this Court in the case of **N.Chandrababu Vs. The Sub Inspector of Police in W.P(MD)No.7056 of 2017**, wherein, this Court had granted permission to the petitioner therein to go to abroad.

5.Heard the learned Counsel appearing for the petitioner, learned Counsel appearing for the first respondent as well as the learned Government Advocate appearing for the second respondent.

6.A perusal of the materials available on record would reveal that the case cited supra, squarely applies to the present case on hand and this Court on 21.04.2017, in **N.Chandrababu Vs. The Sub Inspector of Police in W.P. (MD)No.7056 of 2017**, has held as follows:

"7.On a conspectus of the facts obtaining in this case, this Court is of the view that this is a fit case for which permission should be granted to the petitioner to go abroad. Under such circumstances, this Court permits the petitioner to depart from India and return on 30th May 2017. In view of the permission granted by this Court, the Passport authorities are directed to exempt the petitioner from the operation of the provisions of Clause (f) of sub-Section (2) of Section 6 of the Passports Act. The petitioner shall give an undertaking as contemplated by Clause (d) of the Notification dated 25.08.1993. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C.No.21 of 2015 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad. Accordingly, this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed."

7.Following the same, this writ petition is disposed of, directing the first respondent to consider the explanation submitted by the petitioner 11.05.2017 and pass appropriate orders, on merits and also in line with the order of this Court in **N.Chandrababu Vs.**

<https://hcservices.ecourts.gov.in/hcservices/>



The Sub Inspector of Police in W.P.(MD)No.7056 of 2017, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Passport Officer,
Bharathi Ula Street, Race Course Road,
Madurai - 620 002.

2. The Inspector of Police,
D-4, Thirunagar Police Station,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83043
+ 1 CC TO Mr.C.NANDAGOPAL, ADVOCATE IN SR No. 82768
+ 1 CC TO Mr.M.DINESH, ADVOCATE IN SR No. 82784

SMN

TE/JC/SAR-I : 01/11/2017 : 3P/6C

ORDER MADE IN
W.P(MD)No.12201 of 2017 and
W.M.P(MD)Nos.9395 and 9396 of 2017
13.10.2017