



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.12202 of 2017

and

W.M.P(MD)Nos.9397 and 9398 of 2017

Pushpam Subburaj

.. 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.
(Crime No.673/2014).

.. 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/305426109/17 dated 02.05.2017 and quash the same.

For Petitioner : Mr.M.Dinesh

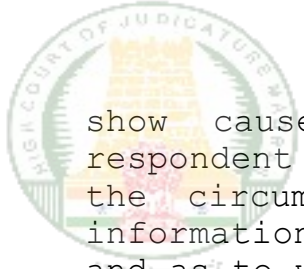
For Respondent No.1 : Mr.N.Shanmugaselvam

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/305426109/17 dated 02.05.2017.

2.According to the petitioner, she is an Indian citizen and she is the holder of a Passport bearing No.P7209618, 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 she 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 her to explain regarding the circumstances under which she had suppressed the material information in her passport application and obtained the passport and as to why action should not be taken against her for suppression of the factum of the pendency of the criminal case against her. The petitioner also submitted her explanation dated 11.05.2017 to the first respondent, stating that charge sheet has not been filed before the criminal Court and she 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 has filed a detailed counter affidavit contending that the pendency of criminal proceedings was reported by the police officials and therefore the impugned show cause notice has been sent to the petitioner.

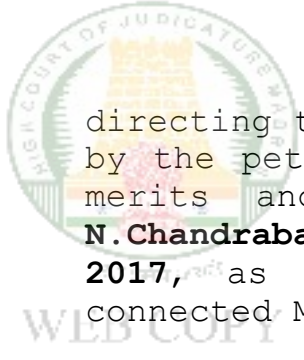
4.In reply, the learned counsel appearing for the petitioner placed reliance upon the order of this Court in the case of **N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017**, wherein, this Court had granted permission to the petitioner therein to go to abroad.

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 dated 11.05.2017 and pass appropriate orders, on merits and also in line with the order of this Court in **N.Chandrababu Vs. 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.

Sd/-
Assistant Registrar

/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.

+1cc to M/s. N.SHANMUGA SELVAM Advocate in SR. No. 82841

+1cc to M/s. M.DINESH Advocate in SR. No. 82785

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 83044

SMN

JS/JC/SAR.1/1.11.2017/3P-6C

ORDER MADE IN
W.P (MD) No.12202 of 2017
and
W.M.P (MD) Nos.9397 and 9398 of 2017
13.10.2017