



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.11.2017
CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.20382 of 2017

V.Suresh

... Petitioner

-Vs-

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road, Madurai.

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

(R2 is suo motu impleaded vide Court
order dated 06.11.2017 in W.P. (MD)
No.20382 of 2017)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner pursuant to the petitioner's application dated 11.09.2017 bearing file number MD2060543592717 by considering the petitioner's reply dated 12.10.2017 more particularly within a time frame as may be stipulated by this Court.

For Petitioner	: Mr.J.Pooventhera Rajan
For R1	: Mr.Kathirvel, Assistant Solicitor General assisted by J.Jeyakumar Standing Counsel
For R2	: Mr.T.S.Mohamed Mohideen Additional Government Pleader

O R D E R

The petitioner seeks issuance of passport. The first respondent has declined to do issue in view of the adverse police report given by the second respondent herein. Today when the matter was taken up, it was reported that the second respondent has filed a final report in Crime No.43 of 2015. Even though the said final report is said to have been filed as early as on 09.02.2015, till date it has not been taken on file. The question of denial of issuance of passport would come only if,



the proceedings are pending before the Criminal court. Mere filing of final report is not sufficient to attract Section 10 (3) (e) of the Passport Act, 1967.

2. This Court therefore, directs the first respondent to issue passport pursuant to the writ petitioner application dated 11.09.2017 bearing file No.MD2060543592717.

3.This Court cannot lose sight, as the learned Assistant Solicitor General of India rightly pointed out of the fact that the criminal proceedings cannot be stalled on account of the absence of the writ petitioner in India.

4.The learned counsel appearing for the writ petitioner would submit that he would file necessary application under Section 205 of Cr.P.C, and 317 of Cr.P.C for condonation to ensure that the proceedings are not stalled on account of his Physical absence in India. He would further undertake that he would cooperate with the progress of the criminal case.

4.Placing the above said undertaking made by the learned counsel for the petitioner on record, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar

To

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road, Madurai.

2. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

+ 1 cc TO Mr.J.Pooventhera Rajan , Advocate in SR No. 85672
+ 2 ccs TO Mr.J.Jeyakumaran , Advocate in SR No. 85575,85852
+ 1 cc TO The Special Government Pleader in SR No. 85981

cp/vsg

AE/SV MMS/SAR1/21.11.2017/2P/7C

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