



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P. (MD) No.3417 of 2018
and
W.M.P. (MD) No.4051 of 2018

V.Srinivasan

... Petitioner

vs.

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

2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.

... Respondents

(R2 is impleaded as per the
order of this Court dated 25.04.2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to return the petitioner's renewed passport to the petitioner within a time limit fixed by this Court.

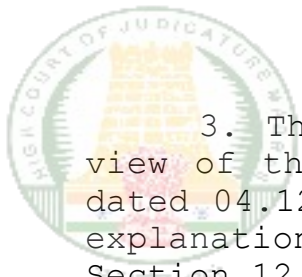
For Petitioner : Mr.T.K.Gopalan

For Respondent : Mr.Kathirvelu
Addl. Solicitor General
assisted by Mr.G.Rajaraman,
Central Government
Standing Counsel

O R D E R

By the impugned order, dated 04.12.2017, the respondent has directed the petitioner to show-cause as to why action should not be taken to impound the Passport No.R6313145, dated 16.11.2017, under Section 12(1)(b) of the Passport Act, 1967 , in view of pendency of an F.I.R. in Crime No.14 of 2016 on the file of the All Women Police Station, Tallakulam, Madurai City.

2. The law on the proposition as to whether the pendency of an F.I.R. can be construed as pendency of criminal proceedings has been settled down in various Judgments and in one of such Judgment reported in 2014 (2) CWC 684 [*W.Jaihar William v. State of Tamil Nadu*], the learned Judge of this Court had reiterated the proposition holding that mere pendency of an F.I.R. cannot be construed as pendency of criminal proceedings.



3. The learned Additional Solicitor General submitted that in view of the pendency of criminal proceedings, a show-cause notice, dated 04.12.2017, has been issued to the petitioner calling for his explanation as to why his passport should not be impounded under Section 12(1)(b) of the Passport Act, 1967.

4. As observed earlier, mere pendency of an F.I.R. cannot be deemed as pendency of criminal proceedings and as such, the respondents may not be justified in initiating steps to impound the petitioner's Passport.

5. It is further seen that the First Information Report that had come to the adverse notice of the first respondent herein, has been challenged by the petitioner before this Court and by an order dated 08.08.2016 passed in CrI.O.P.(MD)No.13906 of 2016, this Court had entertained the quash petition and had stayed filing of the final report. As such this Court may be justified in entertaining the present writ petition and issue suitable direction for return of the petitioner's renewed passport.

6. In the result, the writ petition is allowed and the impugned order, dated 04.12.2017, passed by the respondent, in Reference No.SCN/306391359/17, is set aside. The respondent is directed to return back the petitioner's passport bearing No.R6313145 on or before 29.04.2018. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

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

2.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.

+1cc to Mr.PT.S.NARENDRAVASAN, Advocate, SR.No. 63428

W.P. (MD) No.3417 of 2018
25.04.2018