

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.7399 of 2018**

Karthikeyan Duraisamy

... Petitioner

vs.

1. The Regional Passport Officer
Regional Passport Office
Thiruchirapalli,
Municipal Water Tank Building,
W.B.Road,
Thiruchirapalli 620 008.

2. The Inspector of Police,
Karur Town Police Station,
Karur District.

(R2 is impleaded vide Court Order dt.12.04.2018
in W.M.P.No.7450 of 2018 in WP (MD) No.7399/18)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent herein to issue the passport to the petitioner by considering his representation dated 23.02.2018 (Application No.TR20703453557517 dated 21.06.2017) within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Bindran

For Respondents

No.1 : Mr.Kathirvelu,
Additional Solicitor General
Assisted by Raghaventhree

No.2 : Mr.Shanmuga Selvan
Additional Government Pleader

O R D E R

By the impugned order, dated 19.07.2017, the first respondent has directed the petitioner to show-cause as to why action should not be taken to impound the Passport under Sections 10(3)(e) and 12(1)(b) of Indian Passports Act, 1967, in view of pendency of an F.I.R. in Crime No.158 of 2017, on the file of the Inspector of Police, Karur Town Police Station, Karur District.



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 19.07.2017, has been issued to the petitioner calling for his explanation as to why his passport should not be impounded under Section 10(3)(e) of the Indian Passports 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. In the result, the writ petition is allowed and the impugned order, dated 19.07.2017, passed by the respondent, in Reference No.OBJ/305740839/17, is set aside. The first respondent is directed to return back the petitioner's passport forthwith. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Regional Passport Officer
Regional Passport Office
Thiruchirapalli,
Municipal Water Tank Building,
W.B.Road, Thiruchirapalli 620 008.

2. The Inspector of Police,
Karur Town Police Station, Karur District.

+ 1 cc TO Mr.S.Raghaventhree , Advocate in SR No. 62595
+ 1 cc TO Mr.M.Bindran , Advocate in SR No. 62802

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AE/SV MMS/SAR1/15.05.2018/2P/5C