



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.23446 of 2017

and

W.M.P. (MD) Nos.19707 & 19708 of 2017

Venugopal

... Petitioner

vs.

The Regional Passport Officer
Bharathi Ula Street
Race Course Road
Madurai-625 002

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for records from the respondent relating to the impugned order, dated 23.11.2016, passed in Reference No.SCN/304764723/16 and quash the same and consequently direct the respondent to return back the passport bearing Passport No.P1643120 of the petitioner immediately.

For Petitioner : Mr.J.Barathan

For Respondents: Mr.Kathirvelu

Addl. Solicitor General

assisted by Mr.G.Rajaraman

Central Government Standing Counsel

O R D E R

By the impugned order, dated 23.11.2016, the respondent has directed the petitioner to show-cause as to why action should not be taken to impound the Passport No.P1643120, dated 25.07.2016, 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.53 of 2014, dated 02.04.2014, on the file of the Sub-Inspector of Police, Thirupulani Police Station.

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 23.11.2016, 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 23.11.2016, passed by the respondent, in Reference No.SCN/304764723/16, is set aside. The respondent is directed to return back the petitioner's passport bearing No.P1643120 forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai-625 002.

+ 1 CC TO Mr.G.RAJARAMAN, ADVOCATE IN SR No. 61673
+ 1 CC TO Mr.T.R.JEYAPALAM, ADVOCATE IN SR No. 62058

KRK
TE/SV-MMS/SAR-3 : 25/04/2018 : 2P/4C

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