

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.27637 of 2019

S.M.G.Ramesh

... Petitioner

Vs

1. Regional Pass Port Officer
Regional Pass Port Office
Chennai Roayala Towers
No.2 and 3, IV Floor,
New No. 158, Old No. 785, Anna Salai,
Chennai - 600 002.
2. The Inspector of Police
V-3, J.J.Nagar Police Station
Chennai.

[R2 impleaded as per order dated 30.09.2019 in
W.M.P.No. 27696/2019 in W.P.No. 27637/2019)

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondent to issue passport based on petitioner's passport
application No.MA1071885798519 dated 15.02.2019.

सत्यमेव जयते ***

For Petitioner : Mr.H.Rajasekar

For R1 : Mr. T.V.Krishnamachari
Senior Panel Counsel
Central Government

For R2 : Mr.R.Govindasamy
Special Government Pleader

ORDER

Cr.No. 294 of 2014 under Sections 294(b), 323, 506(i) read with Section 4 of Tamilnadu Prohibition of Women Harassment Act, had been registered against the petitioner. The petitioner has neither obtained anticipatory bail nor had been taken into custody and obtained regular bail. Investigation can never commence when the petitioner, who is the accused, had absconded from judicial process.

2. The learned counsel for the petitioner stated that the First Information Report is pending for the past 5 years and therefore, he should be issued with passport since the First Information Report stated to have been pending for the past 5 years. The Inspector of Police, V-3, J.J.Nagar Police Station, Chennai, is present in Court.

3. The learned Senior Panel Counsel Central Government filed a status report stating that though the defacto complainant Vijaya and four other witnesses were examined and statements were recorded, till date the accused had not been arrested and no one had obtained anticipatory bail in this connection. It is stated that the Regional Passport Officer had forwarded the application of the petitioner for police verification and it is stated that the second respondent had informed that the petitioner was involved in Cr.No. 294 of 2019 as stated above.

4. In the status report, it is also stated that the present Inspector of Police had attempted to secure and arrest the present petitioner but he was continuously absconding from the date of registration of the case in Cr.No. 294 of 2014.

5. The learned counsel stated that pendency of FIR cannot by itself a bar for issuance of the passport. But when the petitioner has been absconding from judicial process and absconding from the investigation agency, certainly that can be taken note of and can be a good ground for rejection of the passport.

6. The learned counsel for the petitioner sought permission of this Court to withdraw the Writ Petition. He has also made an endorsement to the following effect:-

"I pray leave of this Hon'ble Court to permit me to withdraw the Writ Petition."

7. Permission is granted. The Writ Petition is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

vsg

To

1. Regional Pass Port Officer
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Chennai - 600 002.
2. The Inspector of Police
V-3, J.J.Nagar Police Station
Chennai.

+1cc to Mr.TV.Krishnamachari, Advocate, SR.No.104922.
+1cc to Government Pleader, SR.No.105287.

W.P.No.27637 of 2019

SSD(CO)
CSR: 10.02.2020

सत्यमेव जयते
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