



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2515 of 2018

and

W.M.P. (MD) No.3212 of 2018

Nagai Thiruvalluvan

... Petitioner

Vs

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

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to issue passport on the petitioner's application File No.MD1069681200916, dated 04.10.2016 on the file of the respondent forthwith.

For Petitioner : Mr.T.Lajapathiroy
for Mr.V.Thirumal

For Respondent : Mr.G.Rajaraman

ORDER

Heard the learned counsel on either side.

2.The writ petitioner applied for issuance of passport. The respondent declined to consider his request on the ground that he is having criminal cases. That necessitated the filing of this writ petition. The respondent has filed a detailed counter affidavit and in paragraph-4 the following details have been given:

"4. It is submitted that his passport application was process for issuance of passport on Pre-police verification reports basis. While processing his passport application an adverse police verification report was submitted by the Superintendent of Police, Virudhunagar District, informing that the following criminal cases are pending against him as mentioned:

(1)Cr.No.235 of 2014 registered in Vilathikulam police station under Section 153(a), 504, 505(1)(c), 506 (ii) of IPC is pending against him.



(2) Cr.No.175 of 2014 registered in Kamuthi Police Station under Section 143, 188, 153(a) of IPC is pending against him.

(3) Cr.No.905 of 2016 registered in Palayamkottai police station under Section 143, 188 of IPC is pending against him.

(4) Cr.No.192 of 2013 registered in Dharapuram Police Station, Tirupur District under Section 153(a) is pending against him before the Judicial Magistrate Court, Dharapuram in C.C.No.442 of 2015.

(5) Cr.No.149 of 2014 registered in K.Pudur Police Station under Section 294(b), 153(a) of IPC is pending against him before the Judicial Magistrate Court, Madurai in C.C.No.189 of 2014.

(6) Cr.No.92 of 2012 registered in Earvadi police station under Section 153, 506(ii), 506(1)(c) of IPC is pending against him."

3.It is seen therefrom that four cases are pending at the First Information Report stage while two cases have culminated in Calendar cases. It is well settled that pendency of criminal cases at FIR stage is not a bar for issuance of passport. However, if the cases culminate into calendar cases, then it is the jurisdictional Criminal Court that will have to grant permission for travel. It is seen that those cases are primarily under Section 153(A) of IPC.

4.The learned Counsel for the petitioner appearing for the writ petitioner states that the petitioner would be satisfied if this Court grants him permission to travel for a period of three months.

5.Since, the calendar cases are pending in different courts, taking note of the special facts and circumstances obtaining in this case, I direct the respondent to issue passport in favour of the writ petitioner for a period of three months. Ofcourse, the petitioner will have to fulfil the other statutory and administrative formalities.

6.Accordingly, this writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

SD

ASSISTANT REGISTRAR (T AND P)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS II)

pnn

1CC TO MR.V. THIRUMAL, ADVOCATE SR 58455

1CC TO MR.G.RAJARAMAN, ADVOCATE SR 58286