



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.23588 of 2019

WEB COPY

V.Bharathiraja

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
Royala Towers Nos.2 & 3
4th Floor, Old No.785, New No.158,
Anna Salai,
Chennai-02.

2.The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, directing the respondent No.1 to re-issue the passport (in passport No.H6728666) to the petitioner by considering the explanation given by the petitioner dated 22.10.2019 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.L.Pinaygash

For Respondents : Mr.V.Kathirvelu

Assistant Solicitor General of India
assisted by Mr.K.Prabhu

Central Government Standing Counsel for R-1

Mr.B.Bhagavathi

Government Advocate for R-2

O R D E R

This writ petition has been filed for issuance of a direction, directing the respondent No.1 to re-issue the passport (in passport No.H6728666) to the petitioner by considering the explanation given by the petitioner dated 22.10.2019.

2.The petitioner is a resident of Melakarisalkulam, Sivagiri Taluk, Tirunelveli District. He has already possessed a passport. On 18.05.2017, his marriage took place with one Mrs.B.Swetha. Subsequently, there was a difference of opinion between them. In this regard, his wife lodged a complaint against him and his family on the above complaint, a case was registered in



Cr.No.4/2019 on the file of the second respondent Police under Sections 498(A), 294(b), 506(ii) I.P.C and Section 4 of Dowry Prohibition Act, 1961. In the mean while, his passport was also expired on 31.08.2019. Therefore, he made an application before the first respondent for reissuance of passport. On 01.10.2019, the first respondent sent a communication to the petitioner instructing him to clarify as to the pendency of F.I.R in Cr.No.04/2019. On 22.10.2019, he made a detailed representation to the first respondent. But, till date, the first respondent has not reissued the passport on the ground that criminal case is pending.

3.According to the petitioner, the above mentioned crime number is pending as on date and no charge-sheet has been filed. Since the criminal case is at F.I.R stage, it is not a bar for grant of passport.

4.The learned Assistant Solicitor General of India appearing for the first respondent would also concede that pendency of a criminal case is not a bar for grant of passport.

5.The Learned Government Advocate appearing for the second respondent would submit that F.I.R in Cr.No.04/2019 registered against the petitioner is pending and no charge-sheet has been filed. However, he conceded that the petitioner has no previous antecedents.

6.Considering the submissions of the learned counsel for the respondents and also considering that the criminal case is pending at F.I.R stage, I am of the view that it is not a bar for grant of passport. Hence, a direction is given to the first respondent to consider the representation of the petitioner, dated 22.10.2019, submitted by the petitioner and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vs



To கனம் உரிமை

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+1CC TO MR.I.PINAYGASH, Advocate Sr. No.97030

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 97283

W.P. (MD) No.23588 of 2019

08.11.2019

DB (CO)

TR(25.11.2019) 3P 5C