



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P(MD)No.25386 of 2019

Abdul Rajak : Petitioner

Vs.

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

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai.

3.The Inspector of Police,
Melur Police Station,
Madurai District.
(In Crime No.652 of 2012)

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in File No.MD1072543651319 dated 05.11.2019 and quash the same as illegal, consequently directing the respondent No.1, to issue passport to the petitioner by considering his passport application in File No.MD1072543651319 dated 25.10.2019.

For Petitioner	: Mr.S.M.A.Jinnah
For R1	: Mr.Irulappan
For R2 and R3	: Mr.M.Rajarajan
	Government Advocate

ORDER

This writ petition has been filed challenging the impugned notice dated 05.11.2019 in letter Ref.No.MD1072543651319 and consequently to direct the first respondent to issue passport to the petitioner by considering his passport application in File No.MD1072543651319, dated 25.10.2019.



2.The petitioner is a resident of Thiruvallur Nagar, Melur, Madurai District. He applied for a passport with the first respondent. After police verification, the first respondent sought for clarification as to the pendency of Cr.No.651/2012, which was registered under Section 420 I.P.C and Sections 8 and 9 of Tamil Nadu Gambling Act, 1930. Pursuant to the same, the petitioner submitted his explanation on 20.11.2019 through speed post. Till date, the first respondent has not issued the passport on the ground that criminal case is pending.

3.According to the petitioner, the crime number is still in F.I.R stage and no charge-sheet has been filed. Since the criminal cases are at F.I.R stage, it is not a bar for grant of passport.

4.The learned counsel appearing for the first respondent would submit that as per the Central Government Notification in GSR No.570 (E), Ministry of External Affairs, dated 25.08.1993, pendency of criminal proceedings cannot be a bar for issuance of passport.

5.Learned counsel appearing for the respondents 2 & 3 would submit that the case is still pending at the F.I.R stage and no further action has been taken.

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, the impugned notice dated 05.11.2019 issued by the first respondent in File No.MD1072543651319, is set aside and a direction is given to the first respondent to consider the application of the petitioner, dated 25.10.2019 in consonance with the explanation submitted by the petitioner on 20.11.2019 through speed post and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi
Race Course Road,

<https://hcservices.ecourts.gov.in/hcservices>
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2.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

+1 CC to M/s.I. IRULAPPAN, Advocate (SR-102741[F] 29/11/2019)

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-102756[F] 29/11/2019)

+1 CC to M/s.Special Govt.Pleader (SR-102969[F] 02/12/2019)

Order made in
W.P (MD) No.25386 of 2019
Dated: 29.11.2019

Ns
SDS/03.01.2020/3P-7C