



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.8314 of 2021

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S.Bharatharaja

: Petitioner

Vs.

1. The Government of India,
Ministry of External Affairs,
New Delhi.

2. The Regional Passport Office,
Regional Passport Office, Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi, Race Course Road,
Madurai-625 002.

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

: 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 of the second respondent's impugned communication No.FCL/310606103/21, dated 12.01.2021 and quash the same and consequently direct the second respondent to issue passport to the petitioner by considering his application No.MD1062686861519, dated 14.12.2019, within a period as stipulated by this Court.

For Petitioner

: Mr.S.Atham Ali

For R-1 & R-2

: Mrs.L.Victoria Gowri

Additional Solicitor General

For R-3

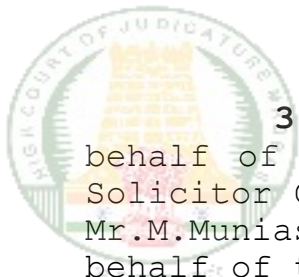
: Mr.M.Muniasamy

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned communication of the second respondent, dated 12.01.2021 and for a consequential direction to the second respondent to issue passport to the petitioner considering his application made on 14.12.2019.

2. The case of the petitioner is that he applied for passport before the second respondent through an application, dated 14.12.2019. The petitioner received a communication from the second respondent, dated 12.01.2021, informing the petitioner that the application has been closed in view of the fact that there is a criminal case pending against the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.



3. Heard Mr.S.Atham Ali, learned counsel appearing on behalf of the petitioner, Mrs.L.Victoria Gowri, learned Additional Solicitor General appearing on behalf of the respondents 1 and 2 and Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the third respondent.

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4. In the considered view of this Court, the mere pendency of an F.I.R., cannot be construed as criminal proceedings, unless it translates itself into a final report after completion of the investigation and the same is taken cognizance by a competent Court. The law on this issue is well settled. Therefore, if only an F.I.R. is pending against the petitioner, the petitioner can always reveal the same in the application and the same will be considered by the second respondent and a passport will be issued, if the petitioner satisfies all the other requirements.

5. In view of the above, the petitioner is directed to make a fresh application before the second respondent by revealing the pendency of the First Information Report against him and the second respondent on receipt of the same shall process the application and issue the passport, if the petitioner satisfies all the other requirements. This process shall be completed by the second respondent, within a period of four (04) weeks from the date of receipt of the application from the petitioner.

6. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Tsg

To

1.The Secretary,
The Government of india,
Ministry of External Affairs,
New Delhi.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Regional Passport Office,
Regional Passport Office, Government of India,
Ministry of External Affairs,
Bharathi Ula Veethi, Race Course Road,
Madurai-625 002.

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

**Order made in
W.P. (MD)No.8314 of 2021**

**Dated:
29.04.2021**

GS (9.06.2021) 3P 4C