



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11829 of 2021

WEB COPY

Eganathan

... Petitioner

Vs.

The Regional Passport Officer,
Office of the Regional Passport Office,
Municipal Water Tank Building,
W B Road,
Trichirapalli- 620 006.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in Ref No.SCN/310847163/21 dated 13.4.2021 and quash the same and consequently direct the respondent herein to permit the petitioner to travel abroad on the basis of the passport issued by the Regional Passport Officer, Trichy in Passport No.607736.

For Petitioner	: Mr.B.Santhanam Rajeshkumar
For Respondent	: Mrs. L.Victora Gowri
	Assistant Solicitor General of India

ORDER

This writ petition has been filed challenging the impugned proceedings of the respondent dated 13.04.2021 wherein the petitioner has been directed to surrender the passport and to attend an enquiry.

2. The case of the petitioner is that he had applied for a passport before the respondent in the year 2015 and the same was granted for the period from 14.12.2015 to 13.12.2025. The further case of the petitioner is that he got a job and went abroad.

3. When the petitioner came back to India in the year 2019, there was some dispute with his wife and mother which resulted in an FIR registered in Crime No.157/2019 for offences under Section 294 (b), 323, 324 and 506(ii) of IPC. The petitioner received the impugned notice from the respondent directing the petitioner to surrender the passport on the ground that a criminal case is pending against him. Aggrieved by the same, the present writ petition has been filed.



4. Heard Mr.B.Santhanam Rajeshkumar, learned counsel appearing for the petitioner and Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appearing for the respondent.

5. In the considered view of this Court, an FIR will upgrade itself into criminal proceedings only after the completion of the investigation and filing of final report before the concerned Court and the same being taken cognizance by the Court. Admittedly in this case, even according to the counter, the investigation is pending at the FIR stage. Therefore, there is no occasion for the respondent to proceed further to impound the passport as if there is a criminal proceeding pending against the petitioner. That apart, it is clear from the allegations made in the criminal complaint that there is a family dispute pending and the same resulted in some skirmish on 30.07.2019 between the petitioner, his wife and his mother. Therefore, the allegations are not so serious that would warrant the impounding of the passport at this stage.

6. In view of the above discussion, the impugned notice issued by the respondent is hereby quashed and this writ petition is accordingly allowed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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.

To

The Regional Passport Officer,
Office of the Regional Passport Office,
Municipal Water Tank Building,
W B Road,
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RC (04.08.2021) 2P-2C