



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14755 of 2021

WEB COPY

R.R.Naraynthiran

... Petitioner

Vs.

The Regional Passport Officer,
Bharathi Ula Street,
Race Course Road,
Madurai-625002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records from the respondent relating to the impugned order dated 17.02.2021 passed in Reference No.SCN/310706109/21 and quash the same and consequently, direct the respondent to issue a passport to the petitioner in pursuance of his application dated 09.02.2021 in File No.MD1073257102521.

For Petitioner : Mr.R.Raja
for Mr.T.R.Jeyapalam
For Respondent : Mrs.L.Victoria Gowri,
Assistant Solicitor General of India.

ORDER

The petitioner had unfortunately come to the adverse notice of the Traffic Police who registered a First Information Report in Crime No.200 of 2019 under Section 279, 337 of IPC and Section 185 of Motor Vehicles Act, 1988 and subsequently after investigation, a final report had been filed before the Judicial Magistrate - I, Madurai and the Court had taken cognizance of the final report as S.T.C.No.4767 of 2020.

2. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India who appears on behalf of the respondent states that the trial is in progress. In view of the fact that originally a First Information Report was pending, the request of the petitioner for issuance of passport was rejected.

3. But, it is well settled that the pendency of the First Information Report can never be a deterring factor for grant of passport. The only issue which remains now is the pendency of S.T.C.No.4767 of 2020. Again the pendency of that particular case can never be a ground to reject the grant of passport. If at all the petitioner wants to go abroad on the strength of the passport,



he must get necessary permission from the Court namely Judicial Magistrate - I, Madurai. Placing that caveat on the petitioner, a direction is issued to the respondent to process the application of the petitioner if it is otherwise in order to issue a passport in accordance with the rules and hopefully without much delay.

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4. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,
Bharathi Ula Street,
Race Course Road,
Madurai-625002.

COPY TO:

The Judicial Magistrate - I, Madurai.

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-36245[F] dated 29/11/2021)

**W.P (MD) No.14755 of 2021
26.11.2021**

RD(08.12.2021) 2P 4C