



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20213 of 2021

U.Francis Telex

... Petitioner

Vs.

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

2. The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to renew the petitioner passport for another ten years period which is pending in File No.MD2073120027320, dated 26.11.2020, on the file of the first respondent within the time stipulated by this Court.

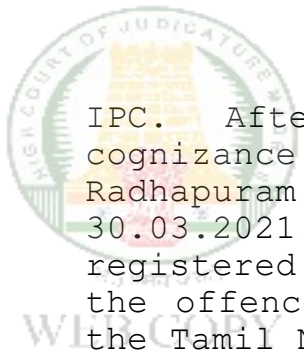
For Petitioner	:	Mr.K.Sudalaiyandi
For R1	:	Mr.Aayiram K.Selva Kumar Standing Counsel
For R2	:	Mr.D.Ghandiraj Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the first respondent/Regional Passport Officer, Madurai, to renew the passport of the petitioner for a further period. The petitioner had given a Renewal Application File No.MD2073120027320 on 26.11.2020.

2.Heard the learned Counsel for the petitioner, Mr.K.Sudalaiyandi and Mr.Aayiram K.Selva Kumar, learned Standing Counsel for the first respondent and Mr.Ghandiraj, learned Special Government Pleader for the second respondent. As is normally the case, the first respondent had invited opinion from the second respondent/the Inspector of Police, Kudankulam Police Station to inform whether the petitioner had come to adverse notice.

3.It is stated that in this connection Crime No.30 of 2015, had been registered against the petitioner by the second respondent for offences under Sections 147, 341, 294 (b), 323 and 506 (ii)



IPC. After investigation, final report had been filed and taken cognizance as CC.No.13 of 2021 by the Judicial Magistrate, Radhapuram. The petitioner was acquitted by the judgment, dated 30.03.2021. There was yet another First Information Report registered as against the petitioner in Crime No.252 of 2021, for the offence under Sections 294 (b), 506 (i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.It is stated that investigation is still pending with respect to the allegations in the said First Information Report. However, it must be stated that mere pendency of the First Information Report cannot be a bar to consider the application of the petitioner seeking renewal of his passport.

5.The First Information Report is only an information given to the Police official regarding the alleged offence that had been committed. Thereafter, normally on investigation, this Court takes cognizance of the offence when the final report is filed.

6.There is also an option that after investigation the allegations may be found not true and even dropped by the investigating officer. Therefore, the first respondent cannot continue to deny renewal of passport on the basis of the First Information Report being registered against the petitioner herein.

7.Mr.Aayiram K.Selva Kumar, learned Counsel for the first respondent also very fairly stated that the first respondent shall consider the application of the petitioner in its true spirit and if clarifications are required, they will issue notice to the petitioner seeking such clarifications, but if the, application is in order, they will proceed to do the needful.

8.In view of these facts, a direction is given to the first respondent to proceed further with process of the renewal application of the petitioner for passport and if it is otherwise in order, proceed to renew the passport. Such exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition is allowed. No costs.

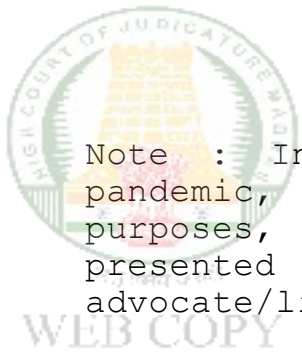
Sd/-

Assistant Registrar (AD-I)

// 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.

To

1. The Regional Passport Officer,
Bharathi Ula Veethi,
Near Race Course Road,
Madurai - 625 002.
2. The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-39305[F] dated
17/12/2021)

W.P (MD) .No.20213 of 2021

16.12.2021

USK (30.12.2021) 3P 4C