



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20667 of 2021

WEB COPY

Mohamed Najumudeen

... Petitioner

Vs.

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

2.The Inspector of Police,
kenikkarai Police Station,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to re-issue passport to the petitioner based on his application dated 31.10.2019 pending in File Number: MD1072556651319 within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.R.Karunanidhi
For R1	: Mr.S.Karthick Standing Counsel
For R2	: Mr.S.Kameswaran Government Advocate

ORDER

The petitioner herein, has had the experience of being arrayed as first accused in Crime No.69 of 2014, registered by the Inspector of Police, Kenikkarai Police Station, Ramanathapuram District, for alleged commission of offence under Sections 147, 148, 153A, 294(b), 307 and 324 of IPC.

2.The petitioner thereafter, had applied for renewal of an existing passport. The first respondent naturally invited reports with respect to the petitioner's previous conduct. The second respondent had informed that the petitioner had a criminal case pending against him. It is not actually a criminal case but a FIR had been registered against the petitioner herein.

3.It is well settled that the pendency of the FIR can never be held as an obstacle to any individual, since it is only an information



and investigation into the information had also not been completed. Investigation may reveal that the petitioner had no role in the alleged offence. It may even lead to closure of the FIR as a mistake of fact. It may also lead to filing of final report charging the petitioner or any other accused person of the offence. The Court, in which, the final report is filed, takes cognizance of only the offence and not of the offenders, and, till such time, the possession of Indian passport can never be questioned or denied.

4. In view of these facts, the first respondent is directed to once again re-examine the entire issue, call the petitioner for an enquiry and examine other aspects, as an enquiry is required for the renewal of passport and if the petitioner has otherwise complied with the requirements, proceed to grant passport in accordance with the rules. The first respondent is directed to complete the entire process within a period of 12 weeks from the date of receipt of a copy of this order.

5. Mr. S. Karthick, learned Counsel, appears on behalf of the first respondent and Mr. S. Kameswaran, learned Government Advocate, appears on behalf of the second respondent.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/lr

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 Inspector of Police,
kenikkarai Police Station,
Ramanathapuram District.



+1 CC to M/s.SPL GP (SR-37198[F] dated 03/12/2021)

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-37186[F] dated 03/12/2021)

+1 CC to M/s.S.KARTHIK, Advocate (SR-37156[F] dated 03/12/2021)

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