



W.P.No.15018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15018 of 2022
and W.M.P.No.14237 of 2022

Meera Arun

.. Petitioner

Vs.

The Regional Passport Officer,
Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent vide Letter Reference No.SCN/312216637/22 dated 23.02.2022, quash the same as illegal and unconstitutional and consequently direct the respondent to renew the passport of the petitioner vide Passport No.Z1947466 for period of 10 years from the date of issuance.

For Petitioner : Mr.Salaivarun

For Respondent : Mr.Prasad Vijayakumar
Senior Panel Counsel



W.P.No.15018 of 2022

WEB COPY

ORDER

This Writ Petition has been filed challenging the impugned order dated 23.02.2022 passed by the respondent calling upon the petitioner to submit her explanation and present status with regard to the following cases pending against her:

(a) Serious Fraud Investigation Office (SFIO), Ministry of Corporate Affairs letter dated 09.04.2021 regarding request of passport particulars in connection with the investigation into the affairs of M/s.Vasan Health Care Private Limited under Section 212 of the Companies Act, 2013.

(b) Kotak Mahindra Bank, Egmore, Chennai – 600 008 regarding a criminal complaint under Section 138 of Negotiable Instruments Act, 1881, pending against the petitioner before the Fast Track Court – IV, Metropolitan Magistrate, Saidapet, Chennai, which is registered and numbered as C.C.No.5351 of 2016.

2. Insofar as the first case referred to supra namely, the Serious Fraud Investigation Office case is concerned, the learned senior panel counsel appearing for the respondent, on instructions, would submit that no charge sheet has been filed and no cognizance has been taken by any Court vide



W.P.No.15018 of 2022

letter dated 25.05.2022 issued by SFIO. However, learned senior panel counsel would submit that insofar as the second criminal case pending against the petitioner is concerned, namely the complaint in C.C.No.5351 of 2016 pending on the file of Fast Track Court – IV, Metropolitan Magistrate, Saidapet, Chennai, the said complaint is still pending and it relates to dishonor of cheques issued by the petitioner for which, prosecution has been lodged under Section 138 of the Negotiable Instruments Act.

3. The learned counsel appearing for the petitioner relies upon a decision of the Division Bench of this Court dated 17.09.2019 in W.A.Nos.994 & 3192 of 2019 in the case of '**Ashok Muthana Vs. Regional Passport Officer Chennai**' and would submit that in the said decision also, criminal complaints under Section 138 of the Negotiable Instruments Act, were pending against the applicants, who had sought for passport but Division Bench held that for seeking a renewal of passport, there is no necessity for the applicant to approach the Criminal Court in case of Section 138 complaints.

4. This Court is not expressing any opinion as regard the merits of the contention of the petitioner, as the learned senior panel counsel for the



W.P.No.15018 of 2022

respondent would submit that the said decision is not applicable to the facts of the instant case.

5. No prejudice will be caused to the petitioner if he is directed to submit an explanation to the impugned communication received from the respondent, within a time frame to be fixed by this Court by giving reasons as to why the requirement for getting permission from the concerned Criminal Court with regard to the pendency of the criminal complaint under Section 138 of the Negotiable Instruments Act, is not required. No prejudice will also be caused to the respondent if the petitioner's explanation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner including, granting him the right of personal hearing.

6. For the foregoing reasons, this Court directs the petitioner to submit an explanation to the impugned communication dated 23.02.2022, giving his reasons as to why the requirement for obtaining permission from the concerned Criminal Court for renewal of his passport where a prosecution has been lodged under Section 138 of the Negotiable Instruments Act, is not required, within a period of one (1) week from the date of receipt of a copy



W.P.No.15018 of 2022

of this order and on receipt of the said explanation, the respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including, granting him the right of personal hearing, within a period of four (4) weeks thereafter, after giving due consideration to the authorities relied upon by the learned counsel for the petitioner including the decision of a Division Bench of this Court dated 17.09.2019 referred to supra. The petitioner is permitted to produce all the relevant documents/authorities in support of his contentions before the respondent during the course of the enquiry.

7. With the above directions, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

04.07.2022

Speaking/Non-speaking order
Index: Yes/No

Sni



WEB COPY



W.P.No.15018 of 2022

ABDUL QUDDHOSE,J.

Sni

To

The Regional Passport Officer,
Royala Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

W.P.No.15018 of 2022

04.07.2022