



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.3559 of 2022

and

W.M.P. (MD) .Nos.3109 to 3111 of 2022

G.Sakthivel

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirapalli Municipal Water Tank Building,
West Boulevard Road,
Trichy District - 620008.

2.The Inspector of Police,
K.Puduppatti Police Station,
Keelaniilai Post,
Thirumayam Taluk,
Pudukottai District - 622202.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter Ref.No.FCL/310458125/20 dated 26.11.2020 on the file of respondent No.1 and quash the same as illegal and consequently direct the respondent No.1 to issue passport to the petitioner within the time frame stipulated by this Court.

For Petitioner	:	Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
For R-1	:	Mrs.L.Victoria Gowri, Assistant Solicitor General of India.
For R-2	:	Mr.D.Sasikumar Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the impugned letter dated 26.11.2020 issued by the first respondent intimating the petitioner that his passport application has been closed and they have advised the petitioner to obtain Court order in respect of the fresh application to be submitted by the petitioner in the near



2. The closure order has been passed since an FIR is pending against the petitioner in Crime No.92 of 2019 for the alleged offences under Section 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. A counter affidavit has also been filed by the first respondent reiterating the very same contentions.

3. Learned counsel for the petitioner, on instructions, would now submit that the petitioner is willing to submit a fresh passport application provided the same is considered on merits and in accordance with law, despite the pendency of an F.I.R against the petitioner. The said statement is recorded.

4. It is now settled law that pendency of an F.I.R will not prohibit the first respondent to process an application seeking for passport. It is for the first respondent to consider the same on merits and in accordance with law and issuance of passport or refusal will depend on the facts and circumstances of each case.

5. Therefore, no prejudice would be caused to the respondents, if the petitioner's application to be submitted seeking for issuance of passport, is considered on merits and in accordance with law, despite the pendency of an F.I.R against the petitioner.

6. Accordingly, this Court directs the petitioner to submit a fresh passport application seeking for issuance of passport in his name within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall process the petitioner's application and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, despite the pendency of an F.I.R against the petitioner in Crime No.92 of 2019 for the alleged offences under Section 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, within a period of six (6) weeks thereafter.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

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,
The Regional Passport Office,
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Trichy District - 620008.

2.The Inspector of Police,
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Keelanilai Post,
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Pudukottai District - 622202.

+1 CC to M/s.SPL GP (SR-11844[F] dated 14/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12025[F] dated 15/03/2022)

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RD(28.03.2022) 3P 5C