



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5612 of 2022

and W.M.P. (MD) .No.4534 of 2022

WEB COPY

Parthiban Ganeshan

.. Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Madurai - 625 002.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Show Cause Notice in File No:MD2073897320722 and Letter Ref. No:SCN/312127113/22, dated 04.02.2022 issued by the 1st respondent and quash the same as illegal and arbitrary and consequently, direct the 1st respondent to issue the Passport to the petitioner as per his application File No: MD2073897320722, dated 18.01.2022.

For Petitioner : Mr.M.Laxmi Mahendraa

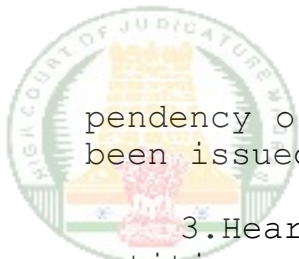
For Respondent : Mr.K.R.Laxman for R1
Central Government Standing Counsel

Mr.B.Saravanan for R2
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned show cause notice, dated 04.02.2022, issued by the first respondent, calling upon the petitioner to submit a proper explanation with regard to the pendency of the FIR registered against him in Crime No.494 of 2013 for the offences punishable under Sections 174 Cr.P.C and Sections 379 and 511 IPC.

2.The petitioner states that he is innocent and has not committed the offence as alleged in the FIR. The petitioner has also submitted a reply to the impugned show cause notice on 17.02.2022. Even before passing any final order, the petitioner has challenged the impugned show cause notice. The petitioner has applied for passport with the first respondent and due to the



pendency of the FIR against him, the impugned show cause notice has been issued.

3.Heard Mr.M.Laxmi Mahenduraa, learned counsel appearing for the petitioner, Mr.K.R.Laxman, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the second respondent.

4.It is settled law that pendency of an FIR does not prohibit the first respondent from issuing passport. It depends on facts and circumstances of each case. It is for the first respondent to decide based on the nature of offence and other circumstances as to whether the petitioner can be issued passport or not. The petitioner having already sent his explanation to the impugned show cause notice on 17.02.2022, it is for the respondent to take a call as to whether the petitioner is entitled for issuance of passport or not, after affording a fair hearing to the petitioner and after giving due consideration to the reply sent by the petitioner to the impugned show cause notice.

5.Even though it is submitted by the learned Additional Government Pleader appearing for the second respondent that though Charge sheet has been filed before the concerned Magistrate Court, the same has not been taken cognizance till date by the said Court. Therefore, this Court can direct the first respondent to consider the petitioner's application seeking for issuance of passport and there is no necessity for the petitioner to approach the concerned Magistrate Court.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's passport application, dated 18.01.2022 and 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 and also after giving due consideration to the reply, dated 17.02.2022, sent by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

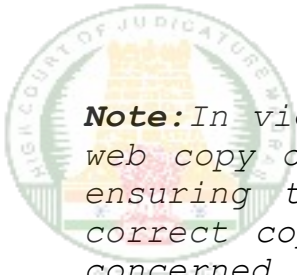
Sd/-

Assistant Registrar (CS-I)

// 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.

WEB COPY

To

1.The Regional Passport Officer,
Regional Passport Office,
Race Course Road,
Madurai - 625 002.

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

+1 CC to M/s.M.LAXMI MAHENDRAA, Advocate (SR-15451[F] dated 30/03/2022)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-15501[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15714[F] dated 31/03/2022)

W.P. (MD)No.5612 of 2022

30.03.2022

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