



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8712 of 2022

S.Muthukrishnan

.. Petitioner

Vs

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

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue a passport to the petitioner by considering the petitioner's Passport Application Vide File No.MD2064036574122, dated 15.03.2022 within a stipulated period as prescribed by this Court.

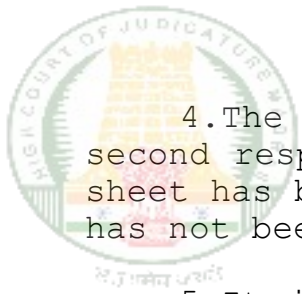
For Petitioner	: Mr.P.Rengaraju
For R-1	: Mr.V.B.Sundareshwar Central Government Standing Counsel
For R-2	: Mr.M.Lingadurai Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue passport to the petitioner by considering the petitioner's passport application, dated 15.03.2022, within a time frame to be fixed by this Court.

2.Heard Mr.P.Rengaraju, learned counsel appearing for the petitioner, Mr.V.B.Sundareshwar, learned Central Government Standing Counsel, who accepts notice on behalf of the first respondent and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the second respondent.

3.The petitioner's passport application has not been processed only on the ground that an FIR is pending against him in Crime No.360 of 2020 on the file of the Inspector of Police, Koodankulam, Tirunelveli District. The FIR has been registered for the offences punishable under Sections 147, 294(b), 342 and 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Women Harassment Act altered into Sections 147, 294(b), 342 and 506(ii) IPC and Section 4 of the Tamilnadu Prohibition of Women Harassment Act and Section 323 IPC.



4.The learned Special Government Pleader, appearing for the second respondent on instructions would submit that though a charge sheet has been filed before the concerned Magistrate Court, the same has not been taken cognizance of by the said Court.

5.It is settled law that pendency of an FIR will not prohibit the first respondent from issuing passport to any applicant. It depends on the facts and circumstances of each case. It is for the respondents to decide as to whether a passport can be issued to any applicant, despite the pendency of an FIR.

6.No prejudice will be caused to the respondents, if the petitioner's application seeking for passport 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. Since the charge sheet has not been taken cognizance of by the concerned Magistrate till date, there is no prohibition for the first respondent to consider the petitioner's passport application on merits and in accordance with law.

7.The learned Central Government Standing Counsel would submit that no proper explanation has been submitted by the petitioner with regard to the FIR pending against him.

8.The learned counsel for the petitioner would submit that the petitioner is willing to submit a fresh explanation though an explanation has been sent earlier. This statement is recorded.

9.For the foregoing reasons, this Court directs the petitioner to submit a fresh explanation to the first respondent with regard to the FIR pending in Crime No.360 of 2020, on the file of the Inspector of Police, Koodankulam Police Station, Tirunelveli District, within a period of one week from the date of receipt of a copy of this order. On receipt of the said explanation, after affording a fair hearing to the petitioner, including granting him the right of personal hearing, the first respondent shall pass final orders on the petitioner's passport application, dated 15.03.2022, within a period of eight weeks, thereafter.

10.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

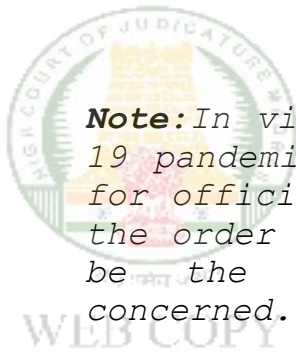
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Passport Officer,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road, Madurai-625 002.

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

+1 CC to M/s.V.B. SUNDARESHWAR, Advocate (SR-23286[F]
dated 04/05/2022)

+1 CC to M/s.SPL.GP (SR-23340[F] dated 04/05/2022)

W.P. (MD)No.8712 of 2022

29.04.2022

SS (CO)

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