



W.P(MD)No.19868 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19868 of 2022

and

W.M.P(MD)No.14459 of 2022

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... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Represented by the Regional Passport Officer,
Madurai District.

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.

... 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 records bearing File No. 2000765-CRM-MDU dated 29.06.2021 on the file of the first respondent and quash the same and consequently, direct the first respondent to revoke the order of withholding the Passport of the petitioner bearing No. P4134800 forthwith.



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For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.M.Karthikeyavenkatachalapathy
Central Government Standing Counsel for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R.2

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is presently working in Muscat. He obtained passport for the first time in the year 2007. It was renewed in the year 2016. It is valid upto 2026. Recently, it has been made compulsory that the name of one's spouse is also included in the passport. He, therefore, moved the first respondent. Thereupon, the first respondent sought verification report from the jurisdictional Police. Then, it came to be known that the petitioner was implicated in Crime No.209 of 2017 and that the same has culminated in C.C.No.126 of 2020 on the file of Judicial Magistrate No.1, Nagerkovil, Kanyakumari District. Based on the Police report, the impugned communication has been issued.

3. The learned counsel appearing for the petitioner submits that the said case was registered only for the offences under Section 294(b), 352 and 506(i)



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IPC. He had filed a quash petition and that the defacto complainant had also expressed his no objection for quashing the same.

4. The petitioner cannot be charged with suppression. The FIR itself was registered only after the renewal of the passport. The petitioner had moved the Passport Authority only for including his wife's name. It was then that, the subsequent developments came to light. That cannot be put against the writ petitioner. In any event, in view of the compromise that has been arrived at between the writ petitioner and the defacto complainant, the impugned communication deserves to be quashed. It is, accordingly, quashed. The first respondent is directed to include the name of the petitioner's wife in the said passport.

5. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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To
1. The the Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Madurai District.



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G.R.SWAMINATHAN, J.

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2.The Inspector of Police,
Kanyakumari Police Station,
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Kanyakumari District.

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