



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21350 of 2021

Mohammed Meeran

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Madurai.

2.The Inspector of Police,
Karaikudi North Police Station,
Pudhukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to process the petitioner's application in MD1073031035720 for renewal of passport and issue the same to the petitioner within the period that may be stipulated by this Court.

For Petitioner	:	Mr.M.Jerin Mathew
For R-1	:	M/s.L.Victoria Gowri, Assistant Solicitor General of India
For R-2	:	Mr.D.Ghandiraj, Special Government Pleader.

ORDER

The petitioner, had originally obtained a passport in Passport No.P5471252 which expired in the year 2020. Subsequently, he had made an application on 28.09.2020 seeking renewal of the passport. Necessary inquiries were made and a report was received from the second respondent that First Information Report in Crime No.180 of 2015 had been registered against the petitioner for alleged offences under Section 294 (b), 323, 342 and 506 (ii) of IPC. It is stated that though the First Information Report is pending, it may not be an impediment for renewal of the passport.

2. Heard Mr.M.Jerin Mathew, learned counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, who takes notice for the first respondent and Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice for the second respondent.



3. The position is trite that mere pendency of a First Information Report cannot be considered as an impediment for either grant or renewal of a passport. It is only an information given to the police officials regarding the commission of a cognizable offence and subsequently, after investigation, the investigating agency may even drop the charges or they may file a final report affirming the charges against the accused or even state that the offences are dropped as a mistake of fact. At any rate, mere pendency of the First Information Report cannot be held against the petitioner. It is also informed by the learned counsel for the petitioner that the First Information Report was registered as early as in the year 2015 and, as on date, no effective progress in investigation had been made.

4. A direction is therefore given to the first respondent to proceed further with the renewal application of the petitioner herein and also get an undertaking letter that he would abide with judicial process, if it is taken pursuant to investigation of the allegations in the First Information Report. After getting necessary undertaking, the first respondent may proceed further to grant renewal of the passport of the petitioner herein. The said exercise shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order.

5. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Madurai.

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



2.The Inspector of Police,
Karaikudi North Police Station,
Pudhukottai District.

3.The Assistant Solicitor General of India,
Madurai Bench of Madras High Court, Madurai.

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nsn(CO)
TR(03.02.2022) 3P 4C