



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.22109 of 2021

S.Selvam

... Petitioner

vs.

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

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to issue passport to the petitioner in application Reference No.ARN:21-1001597655 and file No.MD1063306111521, dated 16.03.2021 in the light of the judgment of this Court in W.A.(MD)No.301 of 2018, dated 27.03.2018.

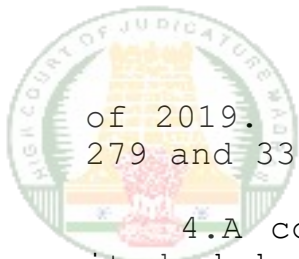
For Petitioner	:Mr.S.J.Chakkaravarthy
For R1 and R2	:Mr.M.Kannan Central Government Standing Counsel
For R3	:Mr.J.John Rajadurai, Government Advocate (Civil)

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the Respondents 1 and 2 to issue passport to the petitioner in application Reference No.ARN:21-1001597655 and file No.MD1063306111521, dated 16.03.2021.

2.Heard Mr.S.J.Chakkaravarthy, learned Counsel for the petitioner, Mr.M.Kannan, learned Central Government Standing Counsel for R1 and R2 and Mr.J.John Rajadurai, learned Government Advocate for the third respondent.

3.In the affidavit filed in support of this Writ Petition, the petitioner had stated that he had filed an application seeking passport. But, it came into light that he was involved in Cr.No.291



of 2019. It had been registered for the offences under Sections 279 and 337 of IPC by the third respondent.

4.A counter had been filed by the third respondent, in which it had been stated that an accident had taken place owing to, according to the third respondent, rash and negligent driving by the petitioner herein. Charge sheet had not been filed.

5.At any rate, pendency of an FIR cannot be a bar to grant passport. Let the first respondent enquire the petitioner and get necessary undertaking that he would subject himself to the judicial proceedings pursuant to further investigation with respect to the aforesaid FIR, and undertake that if final report is filed before the concerned Judicial Magistrate, he would appear before the Judicial Magistrate during the course of trial and would not abscond trial. In the undertaking, it should also be mentioned that the petitioner would not leave the country without informing the particular Court, where the final report is filed and without obtaining necessary permissions from the Court concerned. Thereafter, the first respondent is directed to issue passport to the petitioner, if the application is otherwise in order, within a period of three weeks from the date of receipt of undertaking given by the petitioner.

6.With the said observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

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

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai - 625 002.



3.The Inspector of Police,
Melur Police Station,
Madurai District.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate (SR-296[F] dated
05/01/2022)

+1 CC to M/s.M.KANNAN, Advocate (SR-324[F] dated 05/01/2022)

+1 CC to M/s.SPL.GP (SR-334[F] dated 05/01/2022)

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AP (19.01.2022) 3P 7C