



W.P.No.14132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 14132 of 2023

and

W.M.P.Nos.14303, 13751 and 13752 of 2023

Mohammed Sahil Krishnamoorthy

... Petitioner

Vs.

1. Chief Passport Officer,
PSP Division, Ministry of External Affairs,
Room No.27, Patiala House,
Tilak Marg, New Delhi – 110 001.

2. Regional Passport Officer,
Chennai Region,
Royala Towers No.2 and 3, IV Floor,
Old No. 785 New No. 158,
Anna Salai, Chennai – 600 002.

3. The Inspector of Police,
D1, Triplicane Police Station,
Wallajah Road, Anna Salai,
Triplicane, Chennai – 600 005.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing to quash the proceedings in letter Ref. No.SCN/314184979/23 in file No.MA1074953975723 dated 30.01.2023 issued by the 2nd respondent and consequently direct the 2nd respondent to forthwith re-issue the passport No.L 1044930 pending on the file of the 2nd Respondent to the petitioner.



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For Petitioner : Mr.S.Senthilkumar
For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed seeking direction to quash the proceedings in letter Ref. No. SCN/314184979/23 in file No. MA1074953975723 dated 30.01.2023 issued by the 2nd respondent and consequently direct the 2nd respondent to forthwith re-issue the passport No.L 1044930 pending on the file of the 2nd Respondent to the petitioner.

2. The learned counsel for the petitioner submitted that petitioner applied for passport. When the passport application is pending, he received a letter from the 2nd respondent vide Ref. No.SCN/314184979/23 dated 30.01.2023 requiring certain clarifications. He further submitted that, seeking clarification from the petitioner for issuing passport is not legal. Therefore, present petition is filed.

3. The learned Government Advocate(Crl. Side) submitted that, petitioner is an accused in D1 PS Crime No.332 of 2022 for the offences under Sections 406 and 420 of IPC and D1 Crime No.680 of 2022 for the offences under Sections 294(b), 323, 506(ii) of IPC. He further submitted that, these cases are still pending. Pending investigation, petitioner is



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required to submit clarification on the pending cases. He further submitted that there is no illegality in the 2nd respondent seeking clarification on the pending cases. Hence, he prayed for dismissal of the petition.

4. It appears that, there are two criminal cases pending against the petitioner. Therefore, 1st & 2nd respondent sought for clarification with regard to the pending cases. Petitioner is bound to offer the required clarification for considering whether he can be issued passport or not. Seeking clarification on the pending criminal cases is legal and it is a necessary requirement for the grant of passport. Therefore, this Court finds no merits in this petition.

5. Accordingly, this Criminal Original Petition is dismissed. Petitioner is directed to comply with the requirement in the proceedings in Ref. No.SCN/314184979/23 for taking decision on petitioner's passport application. Consequently, connected miscellaneous petitions are closed.

01.06.2023

Index :Yes/No
Internet:Yes/No
Sma



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G.CHANDRASEKHARAN, J.

Sma

To

1. Chief Passport Officer,
PSP Division, Ministry of External Affairs,
Room No.27, Patiala House,
Tilak Marg, New Delhi – 110 001.
2. Regional Passport Officer,
Chennai Region,
Royala Towers No.2 and 3, IV Floor,
Old No. 785 New No. 158,
Anna Salai, Chennai – 600 002.
3. The Inspector of Police,
D1, Triplicane Police Station,
Wallajah Road, Anna Salai,
Triplicane, Chennai – 600 005.
4. The Public Prosecutor,
High Court of Madras.

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