



WEB COPY



W.P.No. 33582 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 33582 of 2022

Sundarasamy

Vs

... Petitioner

1. The Passport Officer,
Regional Passport Office,
1st Floor, Corporation Commercial Complex Opp,
Thandumariamman Kovil,
Avinashi Road,
Coimbatore – 641 018.

2. State
Represented by the Inspector of Police,
Kuniamuthur Police Station,
Coimbatore.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the first respondent to renew and re-issue petitioner passport bearing No. J8585738 within the time stipulated by this Court.

For Petitioner : Mr. G.R. Deepak

For Respondents : Mr. K. Gangadaran
Central Government Standing Counsel
Mr. T. Sreenivasan
Special Government Pleader
for second respondent



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ORDER

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The petition has been filed in the nature of a Mandamus, seeking direction to the first respondent to renew and re-issue the passport bearing No. J858573.

2. The petitioner is leading quite an interesting life. He appears to have been arraged as an accused in an FIR registered in Crime No. 390 of 2022 on 22.08.2022, by the Inspector of Police, Kuniamuthur Police Station at Coimbatore for alleged offences under Section 420 IPC and under Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. There is no information given whether subsequent to investigation, the second respondent had filed their final report and whether that final report had taken cognizance by the jurisdictional Magistrate. Since an FIR is pending, the first respondent had taken a decision not to re-issue or renew the passport. Pendency of an FIR cannot be a bar for renewal of a passport. Respondents can get necessary undertaking that the petitioner would abide by the rules and regulations. The first information report is an information about the



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commission of an offence but it certainly does not mean the person against whom the first information report had been registered is already a convicted person. It is also seen that the final report has not yet been filed.

4. A direction is given to the first respondent to take on record the application for renewal in File No. CB1074776004722 dated 16.11.2022 and issue notice for personal appearance of the petitioner and get necessary undertaking from the petitioner as is required and as is deemed necessary and thereafter, if the application of the petitioner is otherwise in order, proceed to issue or re-issue or renew the passport of the petitioner herein. The said exercise shall be completed on or before, 28.02.2023.

5. The Writ petition stands disposed of with the above direction.

No costs.

05.01.2023

Index: Yes/no
mrn



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C.V.KARTHIKEYAN, J.

(mrn)

To

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Avinashi Road,
Coimbatore – 641 018.
2. The Inspector of Police,
The State
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