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W.P.(MD)No.1956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1956 of 2023

Suganthi

... Petitioner

Vs.

1.Regional Passport Officer,
Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli, 620018.

2.The Public Grievance Officer,
PSP Division, Ministry of External Affairs,
Room No.24, Patiala House,
Tilak Marg, New Delhi - 110001.

3.State represented by
Inspector of Police,
Pappanadu Police Station,
Thanjavur - 614 626.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to communicate to the Indian Embassy of Kuwait that to renew her husband Indian Passport No.K9670376 for time being without insisting



permission from the concerned Court in respect of pending F.I.R.No. 183/2018 dated 20.12.2018 (pending on the file of 3rd respondent / based on the email representation dated 23.01.2023 forthwith.

For Petitioner : Mr.B.Baskar
For R1 & R2 : Mr.V.J.Kumaravel
Senior Panel Counsel
For R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

Heard the learned counsel for the petitioner, the learned Senior standing counsel for the respondents 1 and 2 and the learned Government Advocate for the third respondent.

2.The petitioner's husband is presently at Kuwait. He had gone there for employment. His passport ceased to be valid with effect from 09.01.2023. The petitioner has already submitted a renewal application dated 27.09.2022. Since the petitioner's husband was involved in a criminal case, the application was not being processed and that lead to the filing of this writ petition.



3. When the matter was taken up for hearing, the learned Government Advocate appearing for the jurisdiction police submitted that the petitioner is involved in a criminal case in Cr.No.183 of 2018 on the file of the third respondent and the case is still pending in the FIR stage. It is too well settled that the pendency of a criminal case at the FIR stage cannot operate as an impediment for processing an application for the issuance of renewal of passport. Since the petitioner's husband is presently in Kuwait and it is also having serious civil consequences for him, considering the special facts and circumstances, this Court directs the respondents 1 and 2, to renew the petition mentioned passport for a period of three years. The respondents 1 and 2 shall communicate the same to the Indian Embassy at Kuwait.

4. This writ petition is allowed accordingly. No costs.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Note: Issue order copy on **16.02.2023**
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G.R.SWAMINATHAN,J.

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To

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