



W.P.(MD)No.6287 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6287 of 2021

X.Arun Kumar

... Petitioner

vs.

1.The Regional Passport Officer,
Madurai Region Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation dated 27.01.2021 and to issue passport for the petitioner on his application (File No.MD01C5031283520).

For Petitioner	:Mr.G.Irudayasamy
For R1	:Mr.B.Rajesh Saravanan Central Govt.Standing Counsel
For R2	:Mr.R.Sivakumar Government Advocate (crl.side)



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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the first respondent to act upon the application submitted by the petitioner, wherein, the petitioner is seeking for passport.

2.The case of the petitioner is that he had applied for the passport through online portal before first respondent in anticipation of getting an employment abroad. The petitioner was also called for an enquiry. Later, the petitioner was informed that there is an FIR pending in Cr.No.1173 of 2020. Based on the same, the application given by the petitioner was not considered and the passport was not issued to the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3.When the matter was taken up for hearing, the learned Government Advocate appearing on behalf of the second respondent submitted that an FIR was registered as against 259 persons in Cr.No. 1173 of 2020 and the petitioner was added as A23. Till date, final report has not been filed.



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4.Heard Mr.G.Irudayasamy, learned Counsel appearing on behalf the petitioner, Mr.B.Rajesh Saravanan, learned Central Government Standing Counsel appearing on behalf of the first respondent and Mr.R.Sivakumar, learned Government Advocate (Crl.side) appearing on behalf of the second respondents.

5.In considered view of this Court, mere registration of an FIR cannot be construed as pending criminal proceedings. This Court has consistently held that only after the cognizance is taken by the concerned Court, it will be construed as pending criminal proceedings and that stage has not reached in the present case. In view of the same, the application made by the petitioner cannot be kept in abeyance or rejected on the mere pendency of the FIR. Even otherwise, on going through the complaint, it is seen that there was an agitation made by the villagers seeking for drinking water facility to the village. This agitation resulted in the registration of FIR as against 200 and odd persons and the petitioner has been added as A23. Therefore, petitioner would not have even known that FIR has been registered against him and therefore, there is no



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question of suppression of material facts regarding pendency of the criminal case.

6.In view of the same, there shall be a direction to the first respondent to process the passport application submitted by the petitioner in File No.MD01C5031283520 in accordance with law and complete the enquiry within a period of four weeks from the date of receipt of a copy of this order and issue passport in favour of the petitioner, if he has fulfilled all the other requirements.

7.This Writ Petition is disposed of in the above terms. No costs.

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

16.10.2023

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The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.



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N.ANAND VENKATESH, J.

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