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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

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

W.P.(MD)No.13065 of 2023

and

W.M.P.(MD)No.11062 of 2022

Kesavanath

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirapalli – 620 018.

2.The Superintendent of Police,
O/o.the Superintendent of Police,
Thanjavur.

3.The Inspector of Police,
Pattukotai Police Station,
Thanjavur District.
(in Cr.No.157 of 2018)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref.No.OBJ/313665339/22, dated 07.11.2022 passed by the Respondent



No.1 and to quash the same as illegal, consequently, to direct the Respondent No.1 to issue the passport to the petitioner forthwith based on his application on File No.TR1064594512922, dated 16.09.2022.

For Petitioner :Mr.C.Thamotharakannan
For R1 :Mr.G.Thalaimutharasu
For R2 and R3 :Ms.D.Farjana Ghousia
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the letter issued by the first respondent, dated 07.11.2012 and to direct the said first respondent to issue passport to the petitioner on the basis of an application in File No.TR1064594512922, dated 16.09.2022.

2.Heard Mr.C.Thamotharakannan, learned Counsel for the petitioner, Mr.G.Thalaimutharasu, learned Counsel for the first respondent and Ms.D.Farjana Ghousia, learned Special Government Pleader for the second and third respondents.



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3.The petitioner had applied for passport. It was then informed that an FIR in Cr.No.157 of 2018 had been registered by the third respondent.

4.The learned Counsel for the petitioner stated that at the time registration of FIR, the petitioner was a minor. But, these are aspects, which are beyond the jurisdiction of this Court to examine. The FIR was registered for offences under Section 399 IPC and 25(1)(A) of Arms Act.

5.It is seen from the written instructions forwarded by the learned Special Government Pleader for the second and third respondents that though the petitioner was the 8th accused, the petitioner was aged 21 years at the time of registration of FIR. It is also stated that final report had been filed before the jurisdictional Magistrate Court. The third respondent has also objected to grant of passport, since there is always a possibility that the petitioner would abscond.

6.In view of this particular fact, since there is no compelling necessity for grant of passport to be issued to the petitioner, the Writ



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Petition stands dismissed. After the trial is completed and if the petitioner is acquitted, the petitioner can always file a further application seeking passport. No costs. Consequently, connected miscellaneous petition is closed.

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

15.06.2023

cmr

To

1.The Regional Passport Officer,
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Thillainagar 7th Cross,
Tiruchirapalli – 620 018.

2.The Superintendent of Police,
O/o.the Superintendent of Police,
Thanjavur.

3.The Inspector of Police,
Pattukotai Police Station,
Thanjavur District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.13065 of 2023

15.06.2023