



W.P(MD)No.21177 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21177 of 2022

Palanisamy

... Petitioner

Vs

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

2.The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.8 of 2021)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue passport to the petitioner, based on his application having File No.TR01C5030851722 within a stipulated time that may be fixed by this Court by considering his representation dated 16.07.2022.



W.P(MD)No.21177 of 2022

WEB COPY

For Petitioner	:Mr.V.Sukumar
For R1	:Mrs.S.Ragaventhre Central Government Standing Counsel
For R2	:Mr.P.Kottaichamy Government Advocate

ORDER

The petitioner's application for grant of passport was not considered by the Passport Authority, on the ground that an FIR is pending as against this petitioner.

2.Mrs.S.Ragaventhre, learned Central Government Standing Counsel, who takes notice for the first respondent submits that on police verification report, it was found that the petitioner is involved in Crime No.8 of 2021 on the file of the DCB, Karur. Hence, the petitioner was called upon to clarify about the criminal case pending as against him by notice dated 18.05.2022. However, without appearing before the first respondent/passport authority, the petitioner has filed this writ petition.



W.P(MD)No.21177 of 2022

WEB COPY

3.Mr.P.Kottaichamy, learned Government Advocate, who takes notice for the second respondent submits that the case registered as against the petitioner Crime No.8 of 2021 on the file of the DCB, Karur, for the offences punishable under Sections 120B, 420, 468, 294b and 506(i) IPC has now been closed as 'mistake of fact'.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner's application for grant of passport was not considered by the passport authorities, in view of pendency of a criminal case in Crime No.8 of 2021. Now, it is reported that the case, which has been registered as against the petitioner is closed as 'mistake of fact'.

6.Pendency of an FIR, by itself, cannot be a ground to refuse the passport and this Court reiterated the same in many cases.



W.P(MD)No.21177 of 2022

WEB COPY

Here, in this case, the case registered as against the petitioner is closed as 'mistake of fact'. In view of the above, this writ petition is disposed of with a direction to the first respondent to process the application of this petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

28.07.2023

NCC : Yes / No.

Index : Yes / No.

Internet:Yes

vrn

To

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

2.The Inspector of Police,
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W.P(MD)No.21177 of 2022

B.PUGALENDHI, J.

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Order made in
W.P(MD)No.21177 of 2022

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