



W.P(MD)No.22919 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22919 of 2023

Asarudeen

... Petitioner

Vs

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

2.The Superintending Enquiry Officer,
Regional Passport Office
Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

3.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice dated 01.09.2023 issued



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by the 1st respondent and quash the same as illegal.

For Petitioner	: Mr.B.Mahendrarajan
For R1 & R2	: Mr.C.Nandagopal Standing Counsel
For R3	: Mr.P.Kottaichamy Government Advocate

ORDER

This writ petition is filed as against the show cause notice issued by the first respondent calling upon the petitioner to surrender his passport, in view of the criminal case pending as against him. The show cause notice, dated 01.09.2023 has been issued based on the police verification report and by referring the provision under Section 10(3)(e) of the Passport Act, 1967.

2.Mr.C.Nandagopal, learned Standing Counsel, who takes notice for the respondents 1 & 2 seeks short accommodation to get instructions.



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3.Mr.P.Kottaichamy, learned Government Advocate who takes notice for the third respondent submits that a criminal case in Crime No.147 of 2022 on the file of the Thiruppalaikudi Police Station for the offences punishable under Sections 417, 419 and 420 IPC r/w 15(3) of Indian Medical Council and 18(a) of Drugs and Cosmetics Act is pending as against this petitioner. He confirms that final report has not yet been filed.

4.Pendency of an FIR, by itself, cannot be an impediment to refuse the passport. The Ministry of External Affairs, Government of India, has issued a Circular dated 10.10.2019, wherein, the following instruction was issued:-

“5. In view of the above, the following instructions may be adopted while processing the passport applications in respect of those applicants who may have criminal proceedings pending before a criminal court in India:

...

(vi) ... It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal



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proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.”

5.In view of the above, this writ petition is disposed of with a direction to the petitioner to approach the passport authorities/the respondents 1 & 2 and offer his explanation for the show cause notice, dated 01.09.2023. On receipt of such explanation from the petitioner, the respondents 1 & 2 shall consider the case of the petitioner and take a decision in accordance with the circular issued by the Ministry of External Affairs, Government of India, dated 10.10.2019. No costs.

21.09.2023

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



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B.PUGALENDHI, J.

vrn

Order made in
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