



W.P(MD)No.23233 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23233 of 2023

Praveen

... Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Thiruchirapalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Thiruchirapalli.

2.The Inspector of Police,
Thiruvonam Police Station,
Thiruvonam,
Thanjavur District.

3.The Inspector of Police,
Mannargudi Town Police Station,
Mannargudi,
Thiruvarur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue the Passport to the petitioner on his



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application in File No. TR1065541495523 dated 06.07.2023 in a time bound manner.

For Petitioner : Mr.V.Selvakumar
For R1 : Mr.M.Rajendran
Standing Counsel
For R2 & R3 : 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 a criminal proceeding is pending as against this petitioner before the Criminal Court.

2.Mr.M.Rajendran, learned Central Government Standing Counsel, who takes notice for the first respondent submits that based on the police verification report, they have called for an explanation from this petitioner and issued a show cause notice on 03.08.2023. The petitioner has appeared before the first respondent in person and submitted his explanation that four cases in Crime



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Nos.400 of 2021, 1087 of 2021, 577 of 2018 and 381 of 2017 are pending as against him. In view of the same, the petitioner's application has not been processed.

3.Mr.P.Kottaichamy, learned Government Advocate, who takes notice for the respondents 2 & 3 submits that the petitioner is involved in four criminal cases in Crime No.400 of 2021 on the file of the Thiruvonam Police Station for the offence punishable under Section 4(1) (a) Tamil Nadu Prohibition Act, Crime No.1087 of 2021 on the file of the Mannargudi Town Police Station for the offences punishable under Sections 269, 270, 271 IPC and Section 3 of the Births, Deaths and Marriage Registration Act, 1886, Crime No.577 of 2018 on the file of the Mannargudi Town Police Station for the offence punishable under Section 75 1(c) of Town and Country Planning Act, 1971 and Crime No. 381 of 2017 on the file of the Mannarkudi Police Station for the offence punishable under Section 75 1(c) of Town and Country Planning Act, 1971. Out of four cases, the petitioner has paid a fine of



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Rs.500/- each in Crime Nos.400 of 2021, 577 of 2018 and 381 of 2017 and the case in Crime No.1087 of 2021 has been closed as 'further action dropped'.

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 cases pending as against him. Now, it is reported that the petitioner has paid the fine amount in three cases and one case, which was pending as against the petitioner has been closed as further action dropped. As on date, no criminal case is pending as against this petitioner.

6.Pendency of an FIR, by itself, cannot be a ground to refuse the passport and this Court reiterated the same in many cases. Here, in this case, the case registered as against the petitioner is



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closed as 'further action dropped' and in some cases, the petitioner has paid the fine amount. 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 in accordance with law. No costs.

25.09.2023

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



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To
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B.PUGALENDHI, J.

vrn

Order made in
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25.09.2023