



WEB COPY



W.P.No.7701 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7701 of 2024

Sri Sharvesh Amman Palanisamy

... Petitioner

Vs.

1.Union Of India Rep By
The Principal Secretary to Government,
Ministry Of External Affairs,
Shastri Bhavan New Delhi

2.Regional Passport Officer
1st Floor Corporation Commercial Complex,
Oppthanumariamman Koil,
Avinashi Road,
Coimbatore District 641 018

3.The Inspector of Police
Nambiyur Police Station,
Nambiyur Post,
Erode District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent No. 2 to issue passport to the petitioner name in file No CB1066019929323 dated 01.12.2023.



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For Petitioner : Mr.D.Veerasekran
For Respondents : Mrs.R.Durga Rani, CGSC [R1 & R2]
: Mr.S.Vinoth Kumar ,
Govt. Advocate (Crl. Side) [for R3]

ORDER

The application submitted by the petitioner to issue passport was not considered by the Regional Passport Officer. Thus, the present writ petition came to be instituted.

2. Admittedly, a criminal case has been registered against the petitioner in Crime No.1141/2017, under Sections 147, 148, 294(b), 342 and 307 IPC. The criminal case is pending.

3. Mr.Vinoth Kumar, learned Government Advocate (criminal side) would submit that at the time of commission of the offence, the petitioner was a minor. Therefore, he is tried under the Juvenile Justice Act. However, the fact remains that the criminal case is pending and as of now, the petitioner is a major.



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4. Under Section 6(2)(f) of the Passport Act, the Passport Officer is empowered to reject the application on account of proceedings in respect of an offence alleged to have been committed by the applicant or pending before the criminal Court in India. Since the criminal case is pending before the competent Court in India against the petitioner, the Regional Passport Officer is empowered to reject his application. If at all, the petitioner has to travel abroad, he has to file an appropriate application before the jurisdictional criminal Court for redressal of his grievances. However, the relief as such sought for to issue passport cannot be granted in the present writ petition.

5. Accordingly, the writ petition stands dismissed. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

25.04.2024



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To

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Union of India,
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S.M.SUBRAMANIAM. J.,

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