



WEB COPY



W.P.No.20352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20352 of 2024

And

W.M.P.No.22272 of 2024

Hariharan Rameshkumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office Coimbatore,
First Floor, Corporation Commercial Complex,
Opp.Thandumarriamman Koil,
Avinashi Road,
Coimbatore – 641 018.

2.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur – 641 652.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the show cause notice with Letter Ref. No.SCN/318390019/24 dated 03.07.2024 issued by the first respondent and quash the same as arbitrary and illegal and consequently direct the first respondent to issue the passport of the petitioner by considering petitioner's application with file No.CB1066668760924 on 20.06.2024 on the file of the first respondent.



W.P.No.20352 of 2024

For Petitioner : Mr.Balaji Thirumoorthy
For Respondents : Mr.A.Prakash for R1
ACGSC
Mr.L.Baskaran for R2
Government Advocate (Crl. Side)

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the show cause notice with Letter Ref. No.SCN/ 318390019/24 dated 03.07.2024 issued by the first respondent and quash the same as arbitrary and illegal and consequently direct the first respondent to issue the passport to the petitioner by considering the petitioner's application with file No.CB1066668760924 on 20.06.2024.

2.The learned counsel appearing for the petitioner submitted that the petitioner applied for new passport on 20.06.2024 before the first respondent and after Police verification, the petitioner received a show cause notice dated 03.07.2024 from the first respondent seeking clarification about the criminal case pending against the petitioner and the petitioner submitted his reply dated 04.07.2024 in person before the first respondent on 08.07.2024, however, the respondent has not yet issued passport to the petitioner.



W.P.No.20352 of 2024

WEB COPY

3.The learned counsel appearing for the petitioner further submitted that when the petitioner was working as Trainer in FIGUREIN FITNESS gym an accident occurred due to which one Prasanth sustained simple injuries, thereby, the law enforcing agency registered a case in Crime no.842 of 2023 for the offence under Section 337 of IPC as against the employees of the said gym and the petitioner was not aware of the said case and only after issuance of the show cause notice by the first respondent, the petitioner came to know about the case and that the petitioner was implicated in the case.

4.The learned counsel appearing for the petitioner further submitted that the offence under Section 337 of IPC is not a heinous offence and hence, the show cause notice is not sustainable one and further submitted that the petitioner is a bodybuilding athlete and due to the pendency of the passport application, he was not able to participate in the 56th Asian Bodybuilding and Physique Sport Championship, 2024. Hence, this Court may issue direction to the first respondent to issue passport to the petitioner so as to enable him to participate in athlete activities outside the jurisdiction of India.



W.P.No.20352 of 2024

WEB COPY

5.The learned Additional Central Government Standing Counsel appearing for the first respondent submitted that the petitioner deliberately suppressed the criminal case pending against him and applied for passport and hence the first respondent issued show cause notice to the petitioner.

6.The learned Government Advocate (Crl. Side) appearing for the second respondent submitted that a case in Crime no.842 of 2023 for the offence under Section 337 of IPC was registered against the petitioner and another co-accused by the Anupparpalayam Police Station and after investigation, the law enforcing agency has filed charge sheet before the learned Judicial Magistrate – III, Thiruppur and the same is yet to be taken on file.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioner made application for issuance of passport before the first respondent on 20.06.2024, pursuant to which, the first respondent issued the show cause notice dated



W.P.No.20352 of 2024

03.07.2024 seeking clarification about the criminal case pending against the petitioner. Perusal of the FIR in Crime no.842 of 2023 reveals that the case has been registered for the offence under Section 337 of IPC as against the petitioner and another accused and the petitioner is arrayed as A1. However, the offence under Section 337 of IPC is not a heinous offence.

9.In view of the above, the first respondent is directed to consider the application made by the petitioner in terms of G.S.R.570(E) of the Notification dated 25.08.1993 issued by the Ministry of External Affairs and issue temporary passport to the petitioner so as to enable him to travel abroad for participating in the athlete activities outside the jurisdiction of India.

10.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

30.09.2024

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



WEB COPY



W.P.No.20352 of 2024

M.DHANDAPANI,J.
pri

To

- 1.The Regional Passport Officer,
Regional Passport Office Coimbatore,
First Floor, Corporation Commercial Complex,
Opp.Thandumarriamman Koil,
Avinashi Road,
Coimbatore – 641 018.
- 2.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur – 641 652.

W.P.No.20352 of 2024
And
W.M.P.No.22272 of 2024

30.09.2024