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W.P.No.34916 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34916 of 2024

R.Kithan

... Petitioner

VS.

1.The Regional Passport Office
Chennai Royala Towers
No.2 and 3, IV Floor, Old.No.785, New.NO.158,
Anna Salai, Chennai-600 002

2.The State Rep by Inspector of Police
Periya Palaiyam Police Station
Tiruvallur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner online Application ARN MA1066587743124, dated 27.05.2024 pending on the file of the 1st respondent.

For Petitioner : Mr.B.Meganathan

For R1 : Mr.P.K.Ganesh
Central Government Standing Counsel

For R2 : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER



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2. The petitioner herein seeks a direction to the 1st respondent to consider the Online Application in ARN MA1066587743124, dated 27.05.2024 seeking issue of passport.

3. It is the case of the petitioner that he submitted an Online Application in ARN MA1066587743124, dated 27.05.2024 before the 1st respondent for issue of fresh passport and the same has not been considered by the 1st respondent mainly on the ground that there is a criminal case pending against the petitioner in Crime No.28/2022 on the file of the 2nd respondent.

4. The learned counsel appearing for the petitioner submitted that mere pendency of FIR is not a ground to refuse issue of passport. Therefore, the 1st respondent may be directed to process the application submitted by



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the petitioner.

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5. Mr.P.K.Ganesh, learned Central Government Standing Counsel, who is taking notice for the 1st respondent would submit that due to adverse police report, the application of the petitioner has not been processed.

6. Mr.L.Baskaran, learned Government Advocate (Crl.Side), who is taking notice for the 2nd respondent, on instructions, would submit that an FIR was registered against the petitioner in Crime No.28/2022 on the file of the Periyapalayam Police Station, Tiruvallur District for the offences under Sections 147, 148, 448, 294(b), 324, 307 and 506(ii) IPC. The learned Government Advocate (Crl.Side) further submits that already charge sheet has been filed on 30.04.2022 on the file of the Judicial Magistrate, Uthukottai and till date, cognizance has not been taken by the concerned Court.

7. Since cognizance has not been taken by the concerned Court, it cannot be stated that a criminal proceeding is pending before the Court in India within the meaning of Section 6(2)(f) of the Passports Act, 1967. Mere



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pendency of FIR is not a ground to refuse processing of application submitted by the petitioner.

8. Accordingly, the 1st respondent is directed to process the Online Application in ARN MA1066587743124 submitted by the petitioner dated 27.05.2024 and final orders shall be passed on its own merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

9. With the above direction, the Writ Petition stands disposed of. No costs.

22.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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2.The Inspector of Police
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S.SOUNTHAR, J.

dm

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