



W.P.No.35298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35298 of 2024

Mr.Balaji Kumaran

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Chennai Royal Towers No.2, 3
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai 600 002.

2.The Commissioner of Police,
132, E VK Sampath Rd,
Periamet, Vepery, Park Town,
Chennai 600 007.

3.The Inspector of Police,
North Beach Police Station,
Beach Rd, Parrys,
George Town, Chennai 600 001.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the 1st respondent to reissue the passport under the file number MA1066889272524 dated



W.P.No.35298 of 2024

WEB COPY

28.08.2024 to the petitioner by considering the explanation dated 05.11.2024.

For Petitioner : Ms.R.A.Shinusha

For Respondents : Mr.S.Diwakar,

Central Govt. Standing Counsel
for the first respondent

Mr.L.Baskaran,
Government Advocate (Crl.Side)
for the second and third respondent

ORDER

This writ petition is filed seeking direction to the first respondent to issue Passport in reference No.MA1066889272524 dated 28.08.2024 by considering the explanation offered by the petitioner, dated 05.11.2024.

2. The petitioner filed an application before the first respondent for issuance of Passport, enabling him to travel abroad. The first respondent issued a communication, dated 10.10.2024, calling for explanation from the petitioner regarding the adverse police report. The petitioner offered his explanation by submitting representation before



W.P.No.35298 of 2024

WEB COPY

the first respondent on 05.11.2024, stating that mere pendency of the First Information Report is no bar for issuance of passport; and no proceedings are pending against the petitioner in criminal Court, however the same has not been considered. Hence, the petitioner has approached this court.

3. Mr.S.Diwakar, learned Central Government Standing Counsel takes notice for the first respondent; Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for the second and third respondents.

4. Mr.L.Baskaran, learned Government Advocate (Crl.Side), on instruction would submit that a criminal case is pending against the petitioner in Crime No.288/2023 on the file of B1, North Beach Police Station for the offences punishable under Sections 143 IPC and 41(6)(a) of Tamil Nadu City Police Act. It is also stated by the learned Government Advocate (Crl. Side) that no final report has been filed so far and investigation is under process.



W.P.No.35298 of 2024

WEB COPY

5. It is settled law that mere pendency of the First Information Report is not a ground to refuse Passport. Admittedly, final report has not been filed and hence as on today no proceeding is pending in a criminal court in India within the meaning of Section 6(2)(f) of Passport Act. In such circumstance, there may not be any impediment for the first respondent to consider the application filed by the petitioner for issuance of Passport.

6. Accordingly, the first respondent is directed to consider the application submitted by the petitioner in reference No.MA1066889272524 dated 28.08.2024 and pass final orders, in the light of the explanation offered by the petitioner on 05.11.2024, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

27.11.2024

Index:Yes/No
Internet:Yes/No
mst



W.P.No.35298 of 2024

WEB COPY **To**

- 1.The Regional Passport Officer,
Regional Passport Office,
Chennai Royal Towers No.2, 3
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai 600 002.
- 2.The Commissioner of Police,
132, E VK Sampath Rd,
Periamet, Vepery, Park Town,
Chennai 600 007.
- 3.The Inspector of Police,
North Beach Police Station,
Beach Rd, Parrys,
George Town, Chennai 600 001.



WEB COPY



W.P.No.35298 of 2024

S.SOUNTHAR, J.

mst

W.P.No.35298 of 2024

27.11.2024