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W.P.No.37484 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37484 of 2024

L.Pradeep Kannan

... Petitioner

VS.

1. The Regional Passport Officer
Regional Passport Office,
1st Floor, Corporation Commercial Complex
Opp. To Thandumariamman Koil,
Avinashi Road, Coimbatore-641 018

2. The Inspector of Police
Sulthanpettai Police Station
Coimbatore.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1st respondent to return the passport bearing No.Z7730824 dated 11.07.2024 to the petitioner, which was forcibly obtained on 19.11.2024, within the time to be stipulated by this Court and further direct the Respondent not to impound the passport No. Z7730824 dated 11.07.2024 except by due process of law.

For Petitioner : Mr.S.A.Sayed Shuhaibb

For Respondents :Dr.D.Simon for R1
Central Government Counsel
Mr.L.Baskaran for R2
Government Advocate(Crl.side)



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ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to 1st respondent to return the passport bearing No.Z7730824 dated 11.07.2024 which according to the petitioner was forcibly obtained from petitioner on 19.11.2024 by the respondents.

3. According to the petitioner, he applied for re-issue of passport in Application No.24-1008528645. The application of the petitioner was processed and a passport was issued to the petitioner in Passport No.Z7730824 on 11.07.2024. After issuance of passport of the petitioner, the 1st respondent issued a show cause notice on 08.11.2024 calling for explanation regarding pendency of FIR on the file of 2nd respondent. According to the petitioner, when he appeared before the 1st respondent for enquiry, he was compelled to surrender the passport. Therefore, the petitioner has come before this Court seeking direction 1st respondent to



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return the passport to him.

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4. The learned Central Government Counsel appearing for the 1st respondent filed a counter and opposed the writ petition on the ground that pendency of FIR was not disclosed by the petitioner and hence, he was advised to surrender the passport.

5. The learned Government Advocate(Crl.side) appearing for the 2nd respondent filed a status report stating that a criminal case is pending investigation on the file of 2nd respondent in Crime No.95 of 2024 under Sections 147, 148, 294(b), 324, 506(2) of IPC @ 147, 148, 294(b), 323, 324, 506(2) of IPC. It is further stated in the status report that no charge sheet has been filed before the competent court till date.

6. In view of the same, it is clear that a criminal case against the petitioner is pending investigation on the file of 2nd respondent in FIR stage and no charge sheet has been filed against the petitioner. Therefore, no proceedings is pending against the petitioner before a Criminal Court in India within the meaning of 6(2)(f) of Passport Act. Therefore, there is no



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irregularity or illegality in issuance of passport to the petitioner by the 1st respondent. Mere pendency of FIR is not a ground to refuse passport.

Therefore, 1st respondent is not entitled to advise or compel the petitioner to surrender his passport to him.

7. In view of the same, the petitioner is directed to appear before the 1st respondent on 18.12.2024 at 10.00A.M. The 1st respondent shall hand over the passport to the petitioner.

8. It is needless to say that it is always open to the 1st respondent to proceed against the petitioner in accordance with law.

9. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

16.12.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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Note: Issue order copy on 17.12.2024



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S.SOUNTHAR, J.

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To

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2. The Inspector of Police
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