



W.A.(MD)No.204 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.204 of 2024

K.Venkadeswaran

: Appellant

Vs.

1.The Regional Passport Officer,
Ministry of External Affairs,
Madurai.

2.The Superintendent Enquiry Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002,
Tamil Nadu.

3.The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order passed by this Court in W.P.(MD)
No.21991 of 2021 dated 07.01.2022.



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For Petitioner : Mr.M.Karuppasamy Pandian
For Respondents 1&2 : Mr.K.Govindarajan
Deputy Solicitor General of India
For Respondent No.3 : Mr.S.S.Madhavan,
Government Advocate [Crl. Side]

JUDGMENT

[Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.**]

This Writ Appeal has been filed as against the order of this Court in W.P.(MD)No.21991 of 2021 dated 07.01.2022.

2.Heard the learned Counsel on either side.

3.The petitioner filed an application in file No.MD1061358179412 for issuance of passport. Thereafter, a criminal case in Crime No.23 of 2013 for the offences punishable under Sections 260, 468, 471 and 420 of IPC came to be registered against the petitioner stating that the birth certificate produced by the petitioner is a forged document. Subsequent to the investigation, when the final report was filed before the competent Magistrate Court, the petitioner's name has not been shown as accused or witness and the learned Judicial Magistrate II, Ramanathapuram has taken cognizance of the same in C.C.No.104



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of 2017 and it is pending trial. In such circumstances, the petitioner has filed a writ petition in W.P.(MD)No.21991 of 2021, for issuance of passport. The said writ petition came to be dismissed by this Court on the following grounds:

“During the course of trial, since the name of the petitioner and identifying him with the name of the father has been stated, in the FIR also stating that he was one among those who had given a false certificate, there could be possibility of learned Judicial Magistrate invoking the provisions under Section 319 Cr.P.C. It all depends upon the nature of evidence recorded during the course of trial.”

4.Learned Counsel for the appellant submitted that neither the appellant was shown as accused in the aforesaid criminal case nor as a witness. Therefore, non-consideration of the request of the petitioner for issuance of passport is *per se* illegal and prays to set aside the order made in the aforesaid writ petition.

5.Learned Deputy Solicitor General of India has fairly submitted before this Court that a perusal of the aforesaid charges shows that the petitioner's name is neither shown as accused nor as witness. Hence, the respondents shall consider the request of the petitioner for granting passport subject to production of the birth certificate.



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6.In the light of the aforesaid submission, this Writ Appeal is allowed and the order passed in W.P.(MD)No.21991 of 2021 is set aside. The respondents 1 and 2 are directed to consider the application of the petitioner and pass appropriate orders for issuance of passport as early as possible within a period of twelve [12] weeks from the date of receipt of a copy of this order. The petitioner is also directed to submit the birth certificate before the respondents.

7.Accordingly, the Writ Appeal stands allowed. There shall be no order as to costs.

[D.K.K.,J.] & [R.V.,J.]

19.02.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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ORDER MADE IN
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