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W.P.No.1789 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.1789 of 2025

Pichai Mohamed Noor Mohamed

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Home Department, Fort St. George,
Chennai 600 009.

2. The Inspector of Police,
DCB Police, Trichy.

3. The Regional Passport Officer,
Thiruchirapalli, Municipal Water Tank Building,
W.B.Road, Thiruchirapalli 6200 008.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the third respondent letter Ref. No.OBJ/319833425/2024, dated 25.10.2024 and quash the same and consequently direct the third respondent to issue passport to the petitioner in accordance with law.



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For Petitioner : Ms. T.Dharani

For Respondents : Mr.V.Jeevagiridharan, Addl.Govt.Pleader
for first respondent

Mr.L.Baskaran, Govt.Adv. (Crl.Side)
for second respondent

Mr.G.Baskaran for third respondent

ORDER

The writ petition is filed challenging the impugned order passed by the first respondent seeking explanation from the petitioner regarding the adverse police report.

2. The petitioner filed an application seeking renewal of passport in TR2077047345324 and in response to the same, the third respondent sent a communication on 25.10.2024, seeking explanation from the petitioner regarding the adverse police report. The petitioner submitted his explanation stating that the case against the petitioner is in FIR stage and no charge sheet has been filed. Thereafter, the petitioner's application for renewal of passport has not been considered and hence, challenging the notice issued by the third respondent, the petitioner has come before this court.



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3. Mr.V.Jeevagiridharan, learned Additional Government Pleader takes notice for first respondent; Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for second respondent; and Mr.G.Baskaran, learned counsel takes notice for third respondent.

4. Learned Government Advocate (Crl.Side) filed a status report, wherein, it is stated that a case in Crime No.1/2019 was registered against the petitioner under Sections 419, 420, 467, 468, 471, 506(i), 34 IPC and in the above said case, investigation is pending.

5. From the above, it is clear that only investigation is pending and no charge sheet has been filed against the petitioner. In such circumstances, it cannot be said that criminal case is pending against the petitioner before the court in India, within the meaning of Section 6(2)(f) of Passport Act. Therefore, there may not be any impediment for the third respondent to process the application filed by the petitioner for renewal of Passport. Though the petitioner sought for quashing the impugned show cause notice, this court is not inclined to quash the same, since the petitioner already submitted his explanation regarding



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the pendency of the criminal case and the same has been received by the office of the third respondent on 5th November 2024, as evidenced by the postal acknowledgment. Further, the status report filed by the second respondent would indicate that the matter is pending investigation and no charge sheet has been filed.

6. Accordingly, the third respondent is directed to consider the application submitted by the petitioner for renewal of passport and pass final orders on its own merits and in accordance with law, 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.

27.01.2025

Index:Yes/No
Internet:Yes/No
mst

To



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S.SOUNTHAR, J.

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