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W.P.No.2317 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2317 of 2025

Mary Sofiya

...Petitioner

Vs.

1.Union Of India

Rep By The Joint Secretary Chief Passport Officer(COP)

PSP Division

Ministry Of External Affairs, New Delhi

2.The Regional Passport Officer

Southern Region, Royala Tower, Anna Salai, Chennai-600 002

3.The Deputy Commissioner Of Police

Tambaram Commissioner, Tambaram, Chennai-600 045

4.The Inspector Of Police

Pallikaranai Police Station,

Pallikaranai, Chennai-600 100

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in order Ref.No.SCN/317766451/24 dated 26.4.2024 rejecting the application for renewal of passport No.X3196014 made by the petitioner quash the same and



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consequently direct the learned Judicial Magistrate II, Alandur, Chennai to consider and pass orders on the petition filed by the petitioner in C.C.No.605 of 2024 seeking permission to leave the country during the pendency of the above criminal case, within the time frame that would be fixed by this Honourable court

For Petitioner	: Mr.Sunil Sudhakar Shanker
For respondents	: Mr.N.K.Nithila Vani for R1 and R2 Central Government Counsel Mr.L.Baskaran for R3 & R4 Government Advocate(Crl.side)

ORDER

The writ petition is filed challenging the show cause notice issued by the 2nd respondent directing the petitioner to submit his explanation as to why action shall not be taken under Section 12(1)(b) of Passport Act.

2. It is not in dispute that petitioner obtained a passport from the 2nd respondent. Thereafter, the 2nd respondent received information regarding the pendency of criminal case against the petitioner in Crime No.208 of 2023 on the file of 4th respondent under Sections 279, 337 and 304(A) of IPC. Immediately, the impugned show cause notice was issued to the petitioner to explain why action shall not be taken under Section 12(1)(b) of Passport Act.



Aggrieved by the same, the petitioner has come before this Court.

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3. The learned counsel for the petitioner submits that Section 304(A) of IPC is an offence not involving any moral turpitude. Therefore, the 2nd respondent is not entitled to initiate action under Section 12(1)(b) of Passport Act. It is further submitted that at the time of filing application, only FIR was registered against the petitioner. Thereafter, charge sheet was filed and the same was taken cognizance by Judicial Magistrate No.II, Alandur in C.C.No.605 of 2024. The learned counsel further submits that petitioner is ready to move the concerned court seeking permission to visit abroad and necessary direction may be issued to the concerned court to consider the application within a time frame.

4. Mr.N.K.Nithila Vani, learned Central Government Counsel takes notice for the respondents 1 and 2 and Mr.L.Baskaran, learned Government Advocate(Crl.side) takes notice for the respondents 3 and 4.

5. The learned Government Advocate(Crl.side) for the respondents 3



and 4 filed a status report wherein it is stated that a criminal case is pending against the petitioner on the file Judicial Magistrate No.II, Alandur in C.C.No.605 of 2024 for the offences under Sections 279, 337 and 304(A) of IPC.

6. The impugned notice issued by the 2nd respondent is a show cause notice. It is for the petitioner to submit his explanation in accordance with law. If any such explanation is submitted by the petitioner, the 2nd respondent shall consider the same and pass final orders on its own merits. It is also open to the petitioner to file appropriate application before the concerned Criminal Court seeking necessary permission to visit foreign countries if so advised. If any such application is filed, the same shall be considered by the concerned Criminal Court on its' own merits within a period of four weeks from the date of receipt of application. In case, the petitioner is permitted to visit the foreign countries, it is open to the petitioner to produce the certified copy of the order passed by concerned court before the 2nd respondent and the same shall also be taken into consideration by the 2nd respondent at the time of considering the application of the petitioner.



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7. With the above directions, the writ petition stands disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Joint Secretary Chief Passport Officer(COP)
PSP Division
Ministry Of External Affairs, New Delhi

2.The Regional Passport Officer
Southern Region, Royala Tower, Anna Salai, Chennai-600 002

3.The Deputy Commissioner Of Police
Tambaram Commissioner, Tambaram, Chennai-600 045

4.The Inspector Of Police
Pallikaranai Police Station,

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Pallikaranai, Chennai-600 100

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