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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 16095 of 2025
and WMP Nos. 18222 & 18226 of 2025**

R. Vaithiyanathasamy

Petitioner(s)

Vs

1. The Regional Passport Officer,
Regional Passport Office,
'Chennai Royala Towers' No. 2 & 3,
IV Floor, No.785/158,
Anna Salai, Chennai - 600002.

2. The Inspector Of Police
Neyveli Township Police Station,
Cuddalore District.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent in impugned Letter in Ref.No.SCN/316990779/24 dated February 6, 2024, and to quash the same and consequentially direct the Respondent No.1 to issue passport to the Petitioner and thus render justice.



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For Petitioner(s): Mr.K.Balakrishnan

For Respondent(s): Mr.P.Ayyaswamy
Central Government Standing Counsel
for R1

Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)
for R2

ORDER

This writ petition has been filed challenging the impugned communication of the 1st respondent dated 06.02.2024, wherein, the petitioner was called upon to explain as to why he suppressed the pendency of an FIR pending investigation before the 2nd respondent.

2.Heard Mr.K.Balakrishnan, learned counsel appearing on behalf of the petitioner, Mr.P.Ayyaswamy, learned Central Government Standing Counsel appearing on behalf of the 1st respondent and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Criminal Side) appearing on behalf of the 2nd respondent.



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3. The petitioner submitted an application seeking for passport before the 1st respondent. The petitioner was not aware that he is added as an accused in the FIR that was registered on the file of the 2nd respondent. Therefore, the petitioner has stated that there are no criminal cases pending against him. While so, the 1st respondent based on the report received from the 2nd respondent issued the impugned communication to the petitioner calling upon the petitioner to explain as to why action should not be initiated against him, since he suppressed the pendency of the criminal proceedings. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The learned Government Advocate appearing on behalf of the 2nd respondent on instructions submitted that the investigation has been completed and the police report has been filed before the jurisdictional Court and it is yet to be taken on file.

5. In the considered view of this Court, a mere registration of FIR will not tantamount to a criminal case pending and law on this issue is now to well



settled. Admittedly, the police report is yet to be taken on file and as on today,

the case is only at the stage of FIR. Therefore, the impugned communication

issued by the 1st respondent is unsustainable and the same is liable to be

quashed by this Court.

6.In the light of the above discussion, the impugned communication of the 1st respondent dated 06.02.2024, is hereby quashed. There shall be a direction to the 1st respondent to deal with the application submitted by the petitioner and issue passport, if the petitioner has satisfied all other requirements.

7.In the result, this writ petition stands allowed with the above directions.

No Costs. Consequently connected miscellaneous petitions are closed.

02-06-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To
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N.ANAND VENKATESH J.

SSR

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