



W.P.No.13179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 15.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13179 of 2025

S.Gokulakannan (Male/51 Years),

S/o, Songappan,

No. 13, 4th Street,

KSK Nagar, Mettukulam,

Vandaranthangal,

Vellore District Tamil Nadu - 632 059.

... Petitioner

/versus/

1. The Regional Passport Officer, Coimbatore
First Floor, Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road,
Coimbatore, Tamil Nadu - 641 018.

2. The Inspector of Police,
Hasthampatty Police Station,
Salem District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent bearing letter Reference No.IMP/320171959/24 communicated through email dated 04.12.2024 and the subsequent validation bearing letter reference No.IMP/320171959/24



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communicated through email dated 19.12.2024 and consequently direct the 1st respondent to restore passport bearing No.Z5208203 dated 29.03.2019 or re-issue a fresh passport for 10 years in favour of the petitioner.

For Petitioner :Mr.V.Karthik, Senior Counsel,
for Mr.Adithya Varadarajan.

For Respondents :Mr.R.Subramanian, for R1
: Dr.C.E.Pratap,
Government Advocate (Crl.Side), for R2

ORDER

This writ petition is filed challenging the impugned order passed by the first respondent dated 04.12.2024 and 19.12.2024 and consequently to direct the first respondent to restore the passport bearing No.Z5208203, dated 29.03.2019.

2. Heard, V.Karthik, Learned Senior Counsel for the petitioner, Mr.R.Subramanian, Learned Counsel appearing on behalf of the first respondent and Dr.C.E.Pratap, Learned Government Advocate (Criminal Side) appearing on the second respondent.



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3. Upon hearing the learned Senior Counsel and the other Counsels appearing on behalf the respondents and perusing the affidavit filed in support of the writ petition and the material records, it can be seen that after the issue of the above passport, a criminal case came to be registered against the petitioner in Crime No.233 of 2019, for the offences under 294 (b), 323 and 506(i) of I.P.C. It is stated that the particulars of the same was not furnished. Thereafter, it can be seen that the investigation is complete and now the matter is pending in C.C.No.131 of 2021 on the file of the Additional Mahila Court cum Judicial Magistrate, Salem.

4. It can be seen that the matter is no longer *res integra*. The First Information Report is not considered as a criminal case within the meaning of the Passport Act, 1967 and the said issue has been settled by the Division Bench of the Court in *Arumugam v. Regional Passport Officer* (W.A.MD.No.301 of 2018). The Government of India has also subsequently issued guidelines to the said effect.



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5. As far as the cases that are pending trial are concerned, even the same has been settled by the Division Bench of this Court in ***The Regional Passport Officer vs. Samsudeen Mohamed Salih*** (W.A.No.902 of 2023) has held that the same need not be a bar for issue or impounding of the passport itself. However, the petitioner concerned can take the permission of the Criminal Court before leaving abroad.

6. In this case, now the petitioner is said to be in India. The Learned Senior Counsel for the petitioner also relies upon the notification of the Government of India made in GSR.No.570 (E), dated 25.08.1993.

7. In view thereof, this writ petition is allowed on the following terms:

(i) The impugned orders issued through e-mail *vide* communications bearing reference No.IMP/320171959/24, dated 04.12.2024 and 19.12.2024 shall stand set aside. The first respondent is directed to restore the passport to the petitioner.



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(ii) The said act shall be completed within a period of 4 weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

(iii) The petitioner shall take the permission of the Learned Additional Mahila Court cum Judicial Magistrate, Salem in C.C.No.131 of 2021, before leaving abroad.

There shall be no order as to costs.

15.04.2025

Neutral citation:No.
bsm

To,

1. The Regional Passport Officer, Coimbatore
First Floor, Corporation Commercial Complex,
Opp. Thandumariamman Koil,
Avinashi Road, Coimbatore, Tamil Nadu - 641 018.

2. The Inspector of Police, Hasthampatty Police Station, Salem District.
3. The Government Pleader, High Court, Madras.
4. The Public Prosecutor, High Court, Madras.

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D.BHARATHA CHAKRAVARTHY,J.

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