

Rev.Application Writ (MD)No.39 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Rev.Application Writ (MD)No.39 of 2025

Prakash Velumayil

... Petitioner

versus

1. The Regional Passport Officer,
Office at the Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2. The Inspector of Police,
Kadupatti Police Station,
Madurai District.

3. The Inspector General of Police (Sout Zone),
Madurai.

(R3 is *suo motu* impleaded vide order
dated 07.04.2025)

... Respondents

Review Petition filed under Order 47 Rule 1 r/w. 114 of C.P.C. to
review the order passed in W.P.(MD)No.19418 of 2023 dated 10.08.2023.

For Petitioner : Mr.V.Angusamy



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For R1 : Mr.A.R.Rajasimman

For R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. side)

ORDER

The petitioner's application to renew his passport was rejected by the Regional Passport Officer, Madurai, by his proceedings dated 15.03.2022, in view of the pendency of a criminal case as against him in Crime No.102 of 2009 on the file of the Kadupatti Police Station, Madurai District, for the offences under Sections 147, 148, 340, 323, 324, 427 and 307 IPC r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. Therefore, the petitioner has filed a writ petition before this Court in W.P.(MD)No.19418 of 2023.

2. When the writ petition was taken up for hearing on 10.08.2023, a representation was made by the respondent Police that the case in Crime No. 102 of 2009 was charge sheeted and it is pending before the learned Judicial Magistrate, Vadipatti in PRC No.13 of 2013. Therefore, this Court, by considering the provisions under Section 6(2)(f) of the Passport Act, has

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disposed of the writ petition with the following direction:

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i) The petitioner shall file an affidavit of undertaking along with substantive sureties to ensure his availability for the trial, before the concerned Court where the case is pending. The Court, on satisfaction and after ensuring his availability for the trial, shall issue a No Objection Certificate to the petitioner enabling him to get his passport renewed.

ii) The petitioner, thereafter, shall file an affidavit under GSR.570(E) along with a No Objection Certificate obtained from the concerned Court before the Passport Authority. On such presentation of the application, the Passport Authority shall consider the same and renew the passport for a temporary period depending upon the requirement.

3. Now, the petitioner has filed this review petition on the ground that the submissions made by the second respondent Police in W.P.(MD)No. 19418 of 2023 with regard to the pendency of the case in PRC No.13 of 2013 before the learned Judicial Magistrate, Vadipatti, is not correct and there is no final report filed in FIR No.102 of 2009. In view of this ground taken by the petitioner, this Court entertained this review petition and



ordered notice to the respondents 1 and 2.

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4. The second respondent has now taken a plea that the final report, which was filed before the learned Judicial Magistrate, Vadipatti, was returned and it is yet to be re-presented. However, they made the representation based on the records available in their files that the final report was already filed. A court document with an endorsement as PRC No.13 of 2013 with a court seal has also been placed before this Court.

5. Therefore, this Court, by its order dated 14.03.2025, called for an explanation from the learned Judicial Magistrate, Vadipatti for the above said endorsement available in the record of the second respondent. The learned Judicial Magistrate, Vadipatti, has conducted an enquiry and found that the final report in Crime No.102 of 2009 of Kadupatti Police Station was received by the District Munsif cum Judicial Magistrate, Vadipatti, in R.No.873/11 dated 26.05.2011. However, it was returned to Kadupatti Police Station on 19.07.2011 vide D.No.1329/2011 dated 15.11.2011 received by the Head Constable on 19.07.2011 and the same is yet to be re-presented and taken on file. The learned Judicial Magistrate also confirmed



that no final report is available with the Court as on date.

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6. By considering the manner in which the complaint which was filed in the year 2009 was dealt with by the second respondent, this Court, by its order dated 07.04.2024, *suo motu* impleaded the Inspector General of Police, South Zone, Madurai, as a party to this review petition and called for a report from the Inspector General of Police.

7. The Inspector General of Police has filed a report that the final report was filed before the learned Judicial Magistrate on 12.12.2010 by the then Inspector of Police, one Mookan. The Public Prosecutor has also approved the same on 12.05.2011. A court document with an endorsement as PRC No.13 of 2013 with court seal is available in the CD files. The Head Constable, who dealt with the Court, retired on superannuation on 30.06.2024 and he did not hand over the final report to the Station. The Inspector General of Police further submitted that pending this process, the defacto complainant died and 5 out of 11 accused also died. However, he issued necessary instructions to the present Inspector of Police to re-submit the final report before the learned Judicial Magistrate, Vadipatti and to take



effective steps to bring the case its logical conclusion. Accordingly, the final report has been re-submitted to the learned Judicial Magistrate, Vadipatti on 17.04.2025 by the present Investigation Officer. The Inspector General of Police further submitted that they have proposed to issue a detailed circular to all Investigation Officers/Deputy Superintendent of Police/Superintendent of Police in the South Zone with a direction to monitor the filing of the charge sheet to avoid recurrence in future. The Inspector General of Police has also called for the details with regard to the Police Officers, who are In-charge of the Kadupatti Police Station between the year 2009 and till date and is inclined to issue show cause notice against them for the lack of supervision.

8. This Court considered the rival submissions made and also perused the materials placed on record.

9. This Court disposed of the writ petition by relying on the provisions under Section 6(2)(f) of the Act, which is extracted as under:

“6.Refusal of passports, travel documents, etc-



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(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely -

...

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a Criminal Court in India.”

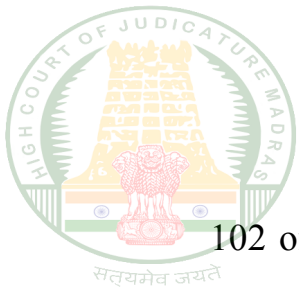
10. This Review Application has been filed that the final report is not available with the Court and therefore, the provisions under Section 6(2)(f) of the Passport Act cannot be applied in the present case. From the report of the learned Judicial Magistrate, Vadipatti and the Inspector General of Police, South Zone, Madurai, it appears that the final report was filed before the Court on 27.05.2011 itself and the court endorsement is also available as PRC No.13 of 2013. Based on that document, which was available in the CD file, a representation was made before this Court. But, it appears that the said endorsement is not correct. The final report, which was filed by the



second respondent Police, was returned by the learned Judicial Magistrate, Vadipatti, for compliance of certain defects. The said final report, which was collected by the Head Constable, was not intimated to the higher officials and it is also not available in the CD files. Therefore, I cannot find fault with the representation made before this Court in W.P.(MD)No.19418 of 2023.

11. The Inspector General of Police, South Zone, Madurai, in his report, has stated that the final report in Crime No.102 of 2009 has been re-presented before the Judicial Magistrate, Vadipatti on 17.04.2025. Therefore, as on date, the final report has been filed and the same is yet to be taken on file.

12. The petitioner is an accused in Cr.No.102 of 2009. Though the final report was not available as on the date when the writ petition was disposed of on 10.08.2023, this Court is not inclined to review the order passed by this Court in W.P.(MD)No.19418 of 2023 dated 10.08.2023. There was some slackness from the Officers, who handled the file in the year 2011 and thereafter. The victim, who set the law in motion in Cr.No.



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102 of 2009, is no more as on date. Further, out of 11 accused, 5 accused also died. The very object, for which the complaint was lodged itself, has been defeated. The victims, whoever may be, are depending on the State, that they can redress their grievances by prosecuting their complaints. The case in Crime No.102 of 2009 was registered for the offence under Section 307 IPC. Though the occurrence took place in the year 2009, the final report was filed in the year 2011. Due to the negligence of some Police Officers in Kadupatti Police Station, the final report, which was filed in the year 2011 and returned in the year 2011, has not been re-presented. Therefore, the victim has not seen the result of his complaint and nearly 16 years have lapsed.

13. It is not known as to whether the Police can prosecute the case effectively after 16 years, by re-presenting the final report in the year 2025. In the event, if the petitioner went abroad without any giving proper sureties and if he is not available for trial, then, the case would be pending unnecessarily for further years, without any progress before the Court. Therefore, this Review Application is disposed of, by reiterating the earlier directions of this Court passed in W.P.(MD)No. 19418 of 2023 dated



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10.08.2023.

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14. This Court also expects the learned Judicial Magistrate, Vadipatti, to take the final report on file without any further delay and conduct the trial by giving some priority and conclude the same as expeditiously as possible. In the event, if the petitioner furnishes adequate sureties for his availability at the required time before the trial Court, permission may be granted to the petitioner by the trial Court. No costs.

30.04.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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4. The Judicial Magistrate,
Vadipatti.

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