



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

WEDNESDAY, THE 4<sup>TH</sup> DAY OF SEPTEMBER 2024 / 13TH BHADRA,

1946

WP (C) NO. 29242 OF 2024

PETITIONER/S:

JOSHY K THOMAS,  
AGED 33 YEARS  
S/O. THOMAS , KAKKANATTU CHIRA , KAINAKARY, PW6 ,  
KAINAKARY EAST P.O, ALAPPUZHA DIST, PIN - 688501  
BY ADV LEO SANJO

RESPONDENT/S:

- 1 THE UNION OF INDIA,  
REP BY AUTHORISED OFFICER, MINISTRY OF EXTERNAL  
AFFAIRS, SOUTH BLOCK SECRETARIATE BUILDING, RAISIN  
HILL, NEW DELHI, PIN - 110011
- 2 THE REGIONAL PASSPORT OFFICER,  
REP BY THE AUTHORISED OFFICER, SHIHAB THANGAL  
ROAD, NEAR IDBI CORPORATE BRANCH, PANAMPILLY  
NAGAR, KOCHI, ERNAKULAM, PIN - 682036

OTHER PRESENT:

SRI.T.C. KRISHNA-DSGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 04.09.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



## **J U D G M E N T**

The present writ petition has been filed seeking the following reliefs:

“i. To issue a Writ of Mandamus or any other appropriate writ, order, or direction this Hon’ble Court may deem fit, commanding the 1<sup>st</sup> respondent to issue Police Clearance Certificate to the petitioner, stating that there is a criminal case pending against the petitioner and that the criminal court has permitted the petitioner to go abroad to pursue his employment in the interest of justice;

ii. To issue a Writ of Mandamus or any other appropriate writ, order or direction as this Hon’ble Court may deem fit and proper, commanding the 1<sup>st</sup> respondent to consider the application submitted by the petitioner within a stipulated time period and to pass appropriate orders in the same after affording the petitioner an opportunity to be heard.”

2. Learned Counsel for the 2<sup>nd</sup> respondent submits that the petitioner cannot be issued a Police Clearance Certificate when a criminal case is pending against him. However, the Regional Passport Authority can issue a customized Police



Clearance Certificate in view of this Court's judgment in **Siju v. Regional Passport Officer [(2021) SCC Online Ker. 9667]**.

3. Considering the 2<sup>nd</sup> respondent's stand, the present writ petition is disposed of with a direction to expeditiously consider the petitioner's application for issuing a customized Police Clearance Certificate, as directed by this Court in the case of **Siju** (supra).

**Sd/-  
DINESH KUMAR SINGH  
JUDGE**

Eb



**APPENDIX OF WP(C) 29242/2024**

**PETITIONER EXHIBITS**

**Exhibit P1**                      TRUE COPY OF REPLY NOTICE DATED  
12.08.2024 ISSUED BY THE MINISTRY OF  
EXTERNAL AFFAIRS

**Exhibit P2**                      TRUE COPY OF THE ORDER DATED 30.07.2024  
IN CRL M.P NO. 1368/2024 IN CC 313/2024  
FILE OF THE JFCM RAMANKARY