



WEB COPY

WP No. 19333 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 19333 of 2026
and WMP.No.20590 of 2026**

Sureshkumar Kalimuthu
S/o.Kalimuthu
51 Alagappa Layout
Pollachi
Coimbatore District 642001.

..Petitioner(s)

Vs

1. Regional Passport Office, Coimbatore
First Floor, Corporation Commercial Complex
Opp to Thandu Mariamman Kovil
Avinashi Road
Coimbatore 641018.
2. The Inspector Of Police
Pollachi West Police Station
Pollachi, Coimbatore District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the respondent in Letter Ref No. IMP/1054231979/26 dated 18.03.2026 pertaining to passport No.Z4282390 and quash the same and consequently, direct the respondent to renew the passport of the petitioner in File No. CB0704747383173.



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For Petitioner(s):

Mr.J.Ranjith kumar

For Respondent(s):

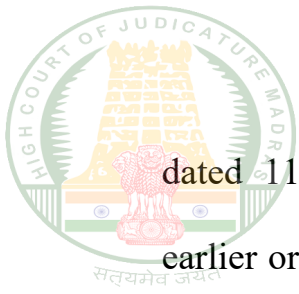
Mr.AR.L.Sundaresan,
Additional Solicitor General of India
assisted by Mr.K.K.Muralitharan
Central Government Counsel for R1

Mr.Durai Gunasekaran,
Government Advocate (Crl.Side) for R2.

ORDER

The present Writ Petition has been filed challenging the order dated 18.03.2026, whereby petitioner's passport has been impounded by invoking Section 10(3)(e) of the Passports Act, 1967, on the premise that a criminal case is pending against him before the Criminal Court.

2. Learned counsel for petitioner would submit that the criminal case referred to in the impugned order is a private complaint under Section 138 of the Negotiable Instruments Act, 1881, pending on the file of learned VII Metropolitan Magistrate, Calcutta in C.S.No.15598 of 2022, arising out of a financial transaction between private parties. He would further submit that the validity / legality of an order impounding a passport under Section 10 of the Act solely on the ground of pendency of proceedings under Section 138 of the NI Act has been the subject matter of consideration before this Court on more than one occasion. In particular, he would place reliance on the order of this Court



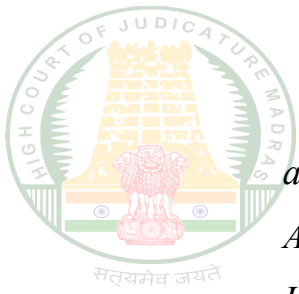
dated 11.06.2024 made in W.P.No.28286 of 2023, wherein, following the earlier order of this Court dated 26.11.2015 passed in W.P.Nos.28760 & 28761 of 2015, this Court held as follows:

“6. While the petitioner does not dispute that there is a criminal case pending against him in terms of Section 138 of NI Act, the gravity of the offence is not such, so as to attract the application of Section 10 of the Act. One may profitably refer to a decision of this Court dated 26.11.2015 passed in W.P.No.28760 & 28761 of 2015, wherein in a similar circumstances, the prayer of the petitioner has been accepted.

7. Therein too, this Court has noted that trial contemplated under the NI Act is only a summary proceeding where the maximum punishment would not exceed one year and the offence was also compoundable.”

3. Learned counsel would further submit that the above view has also been affirmed by a Division Bench of this Court in W.A.No.277 of 2025, by judgment dated 30.01.2025. The relevant observations reads as follows:

“3.The Writ Court has however dismissed the Writ Petition directing the petitioner to approach the Criminal Court where the Appeal is pending. We do not think we can sustain the order of the Writ Court. Impounding a passport is

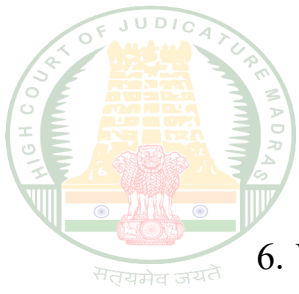


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a very serious matter as it affects the right of free movement. A conviction made under Section 138 of the Negotiable Instruments Act, for a commercial offence between two individuals cannot be a ground for impounding of the Passport.”

4. Per contra, learned Additional Solicitor General of India appearing for the first respondent would submit that the issue of impounding a passport is distinct from the question of renewal of a passport or grant of permission to travel abroad. He would submit that if petitioner takes out any application seeking renewal of passport or permission to travel abroad, such request shall be considered by the appropriate authority in accordance with GSR No.570 (E), dated 25.08.1993 and the judgment of the Full Bench of the Madurai Bench of this Court dated 09.02.2026 made in W.P.(MD).No.26547 of 2025.

5. In that view of the matter, the impugned order dated 18.03.2026 is set aside sofar as the impounding of the passport is concerned. However, if petitioner makes any application seeking renewal of the passport, the same shall be considered by the appropriate authority / Court on its own merits and in accordance with law and in accordance with GSR No.570 (E) and the judgment of the Full Bench of the Madurai Bench of this Court dated 09.02.2026 made in W.P.(MD).No.26547 of 2025. If the petitioner seeks to travel abroad, petitioner shall approach the Trial Court, who would decide in accordance with law.



6. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To

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