



W.P.No.34226 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated **05.12.2024**

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.34226 of 2024

R.Krishnamurthi

... Petitioner

Vs.

1. The Joint Secretary (PSP) and COP,
PSP Division, MEA, New Delhi.
2. The Regional Passport Officer,
Regional Passport Office, Coimbatore.
3. The Inspector of Police,
Erode North Police Station,
Erode District.
4. The Inspector of Police,
Erode Taluk Police Station,
Erode District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records issued by the second respondent in file No.CB1075964232123 dated 8.10.2024 and quash the same and direct the second respondent to



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reissue the petitioner's Passport No.Z2909573 to him based on his application No.CB1075964232123, dated 13.11.2023 within a stipulated time as fixed by this court.

For Petitioner : Mr.C.Iyyappa Raj

For Respondents : Mr.R.Sidharth,
Central Government Counsel
for first and second respondents

Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)
for third and fourth respondents

ORDER

This writ petition is filed challenging the order passed by the second respondent, rejecting the application filed by the petitioner for renewal of Passport.

2. The application of the petitioner for renewal of Passport was rejected by the second respondent on the ground that as per the adverse police report, two criminal cases are pending against the petitioner.

3. The learned counsel for the petitioner submitted that pendency of the Criminal cases is not a ground for rejecting the application for



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renewal of the Passport. Learned counsel further submitted that the right to travel abroad is a fundamental right of the petitioner and hence, the Passport Authority cannot refuse the application for renewal of Passport, merely for pendency of the criminal cases against the petitioner.

4. The learned Central Government Counsel appearing for the third and fourth respondents filed two separate status report of the third and fourth respondents.

5. A perusal of the status report filed by the third respondent would indicate that a criminal case is pending on his file against the petitioner in Crime No.322/2019 under Sections 294(b), 342, 506(i) of IPC. In that case, investigation was already completed and charge sheet was filed before the jurisdictional Magistrate, viz., Judicial Magistrate No.1, Erode and the same has not been taken on file.

6. A perusal of the status report filed by the fourth respondent would indicate that a criminal case is pending on his file in Crime



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No.856/2020 under Sections 279, 337, 304(A) IPC against the petitioner. In the said case, charge sheet was already filed before the Judicial Magistrate No.1, Erode and the same was taken on file in C.C.No.305/2021. Subsequently, the said case was transferred to the Chief Judicial Magistrate Court, Erode and it was renumbered as C.C.No.491/2024 and now, the case is posted for next hearing on 18.12.2024 for examination of L.W.1 to L.W.5.

7. Inview of the above, it is clear that one criminal case is pending against the petitioner in C.C.No.491 of 2024 on the file of Chief Judicial Magistrate, Erode. As such, the petitioner is directed to file appropriate application before the concerned court, seeking permission to travel abroad, within a period of two weeks from the date of receipt of a copy of this order, If any such application is filed by the petitioner, the same shall be considered and disposed of by the concerned court, on its own merits, within a period of four weeks from the date of filing of the application.



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8. In case, the petitioner is permitted to travel abroad by the concerned court, the certified copy of the said order shall be produced by the petitioner before the second respondent.

9. In the light of the directions issued above, in case, the petitioner produces the certified copy of the order passed by the learned Chief Judicial Magistrate, Erode before the second respondent, he shall re-consider the application filed by the petitioner and process the same for renewal of Passport, within a period four weeks from the date of receipt of the certified copy of the order passed by the concerned Judicial Magistrate.

10. As far as the other case in Crime No.322/2019, pending on the file of the third respondent is concerned, though charge sheet was filed, the same has not been taken on file by the concerned Judicial Magistrate court. Therefore, there may not be any impediment for the second respondent to consider the request of the petitioner for renewal of the passport.



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11. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

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Index:Yes/No

Internet:Yes/No

mst

To

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S.SOUNTHAR, J.

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