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W.P.No.34390 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 28.11.2024

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**THE HONOURABLE MR. JUSTICE S. SOUNTHAR**

W.P No.34390 of 2024

Premchand Sivakumar  
...Petitioner

Vs.

1. The Regional Passport Officer,  
Regional Passport Office,  
Rayala Towers, No.2 & 3, 4th floor,  
Old No.785, New No.158,  
Anna Salai, Chennai - 600 002.
2. The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Central Crime Branch -II,  
Vepery, Chennai - 600 007.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to issue renewed passport to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.Jerry V.V.Sundar

For R1 : Mr.T.L.Tirumalaisamy  
Central Government Standing Counsel

For R2 : Mr.L.Baskaran  
Government Advocate (Crl.Side)



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## **ORDER**

The petitioner herein seeks a direction to the first respondent to issue renewal of the passport within the time frame fixed by this Court.

2. It is the case of the petitioner that he is the Director of dance team and academy namely M/s. Choreo Culture Pvt. Ltd, during the period 2016 - 2021. The petitioner's passport expired on 22.01.2024 and he applied for renewal of passport on 23.10.2024. The petitioner received information that the first respondent had put the application of the petitioner on hold mainly on the ground that an FIR was filed against the petitioner in Crime No.105 of 2018 by Central Crime Branch – II on 02.07.2018 for the offences under sections 12 (1) (b) , 12(2) of Passport Act and read with Sections 420, 468 and 471 of Indian Penal Code.

3. The learned counsel appearing for the petitioner submits that pendency of the FIR is not a ground to refuse the renewal of passport of the petitioner and hence a direction may be issued to the first respondent to process the application.



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4. Mr.T.L.Thirumalaisamy, learned Central Government Standing Counsel takes notice for the first respondent and Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice for the second respondent.

5. The learned Government Advocate appearing for the second respondent, on instructions, submitted that a criminal case is pending against the petitioner in FIR No.105 of 2018 on the file of second respondent, for the offences under sections 12 (1) (b) , 12(2) of Passport Act and read with Sections 420, 468 and 471 of Indian Penal Code. It is further submitted that the investigation is pending and no charge sheet has been filed before the this Court.

6. In view of the same, it is clear that a criminal case is pending investigation against the petitioner and no charge sheet has been filed so far. Therefore, it cannot be said that a proceeding is pending before the criminal Court in India within the meaning of Section 6(2) (f) of passport Act. Hence, there is no impediment for the first respondent to process the application submitted by the petitioner.



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7. In view of the above, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the first respondent to process the application filed by the petitioner dated 23.10.2024 seeking renewal of passport and pass final order on its own merits, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of.  
No costs.

**28.11.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
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To

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**S. SOUNTHAR, J.**

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