



W.P.(MD)No.7032 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.7032 of 2024

Velmurugan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai – 625002.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
(R2 is suo moto impleaded vide Court
order dated 17.04.2024 in
W.P.(MD)No.7032 of 2024 by GRSJ)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the application in File No.MD1076256762924 dated 13.02.2024 and to re issue a fresh passport to the petitioner.

For Petitioner	: Mr.S.Prabhu For A.Vedhagiri Chalka
For 1 st Respondent	: Mr.A.Srinivasan Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to consider the application in File No.MD1076256762924 dated 13.02.2024 and to re issue a fresh passport to the petitioner. ”

2.The petitioner has made an application for re-issuance of passport, which is about to expire on 01.11.2025 and the application Number is MD1076256762924. However, the first respondent without renewing the same, had sent a notice dated 02.03.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Sivagangai Taluk Police Station in Crime No.432 of 2017 for the offences under Sections 294(b), 324, 506(ii) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, which is registered as against the petitioner. Pursuant to the same, the petitioner duly appeared before him and had submitted his explanation. However, his explanation is still kept pending. Hence, this Writ Petition came to be filed.

3.The learned Government Advocate for the 2nd respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.



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4. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the 1st respondent, the learned Government Advocate (Crl.) appearing for the 2nd respondent and carefully perused the entire materials available on record.

5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of **W.Jaihar William Vs State of Tamil Nadu** reported in **2014 (2) CWC 684** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to renew his passport without reference to the FIRs lodged against him and issue renewed passport if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

14.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

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2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

Mrn

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