



W.P.(MD)No.12649 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12649 of 2024

P.Suresh

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Madurai,
Kochadai, Madurai.

2.The Inspector of Police,
Karaikudi South Police Station,
Karaikudi, Sivagangai.

... 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 re issue passport to the petitioner by considering the petitioner's application vide Reference No.24-1005801043.

For Petitioner	: Mr.V.R.Shanmuganathan
For 1 st Respondent	: Mr.J.Alaguram Jothi Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to re issue passport to the petitioner by considering the petitioner's application vide Reference No.24-1005801043.”



W.P.(MD)No.12649 of 2024

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2.The petitioner obtained for the passport under Passport No.S1515827. Due to family issue, the petitioner's wife deserted him and his parents and she took the passport with her and lost it. Hence, the petitioner has also given a complaint before the respondent police and the respondent police also could not trace it and issued a lost document report on 09.05.2024. Thereafter, the petitioner applied for reissuance of his passport before the 1st respondent on 06.05.2024. However, the petitioner's application is still pending before the 1st respondent. Hence, the Writ Petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal) for the 2nd respondent would submit that a FIR in Crime No.53 of 2024 by the Karaikudi Police Station was registered under Sections 294(b), 323, 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4.Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate 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



W.P.(MD)No.12649 of 2024

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.

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

12.11.2024

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



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W.P.(MD)No.12649 of 2024

To

- 1.The Regional Passport Officer,
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W.P.(MD)No.12649 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.12649 of 2024

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