



W.P.(MD).No.12514 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.12514 of 2024

Mony Balakrishnan

... Petitioner

Vs.

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

2.The State,
Rep. by its Inspector of Police,
Kottar Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue passport to the petitioner on his Application No.MD4065637106923 dated 02.08.2023 with a time frame to be fixed this Court by considering the petitioner's explanation dated 24.08.2023.

For Petitioner : Mr.P.Santhosh Kumar

For R-1 : Mr.S.Karthick,
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran,
Government Advocate



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ORDER

This writ petition has been filed to direct the 1st respondent to issue passport to the petitioner on his Application No.MD4065637106923 dated 02.08.2023 with a time frame to be fixed this Court by considering the petitioner's explanation dated 24.08.2023.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The petitioner applied for a passport vide application No.MD4065637106923 dated 02.08.2023 to the 1st respondent. The 1st respondent vide his communication dated 18.08.2023 informed the petitioner that there was an adverse police verification report and a criminal case is pending against the petitioner in reference No.SCN/315553123/23. The petitioner submitted that in the year 2013, on an occurrence that took place in the petitioner's village between two groups, the 2nd respondent registered a case in Crime No.560/2013 under Sections 147, 149, 47, 452 and 506(ii) IPC and Section 4 of the TNPHW Act, and he was actually not involved the criminal activities as alleged by the 2nd respondent in the FIR. The petitioner has given an explanation to the 1st respondent dated



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24.08.2023. However, the same was not considered by the 1st respondent.

Hence, the present writ petition came to be filed.

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 issue a passport without reference to the FIR lodged against him and issue a 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 (4) 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.

15.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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

2.The State,
Rep. by its Inspector of Police,
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L.VICTORIA GOWRI, J.

Sml

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