



W.P.(MD).No.26371 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.26371 of 2024

P.Chandra Kumar

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Madurai,
Tamil Nadu.

2. The Inspector of Police,
Madurai City Cyber Crime Police Station,
Madurai City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent No.1 to re-issue and renew the petitioner's passport bearing No.M3117713 within a time frame as may be fixed by this Court.

For Petitioner : Mr. N.Gurusamy

For Respondents : Mr.T.Mahendran (R1)
Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)
Government Advocate (Crl.Side)



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ORDER

The present writ petition has been filed seeking a directing the respondent No.1 to re-issue and renew the petitioner's passport bearing No.M3117713.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Government Advocate (CrI.Side) appearing for the second respondent. Perused the materials on record.

4.It is submitted by the learned counsel for the petitioner that the petitioner had applied for renewal of his passport bearing No.M3117713. On receipt of his application, the second respondent had sent a report stating that a criminal case is pending against the petitioner in Cr.No.46 of 2023 on the file



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of second respondent. In this regard, the first respondent sent a notice to the petitioner seeking clarification on 24.09.2024.

5.The learned counsel for the petitioner further submitted that in Cr.No.46 of 2023, after completion of investigation, the second respondent has filed a final report before the learned Judicial Magistrate No.1, Madurai in C.C.No.1525 of 2024.

6.The learned Government Advocate (Crl.Side) appearing for the second respondent conceded that the charge sheet has already been filed on the file of learned Judicial Magistrate No.1, Madurai.

7.In *W.A.No.902 of 2023, dated 02.06.2023*, the Hon'ble Division Bench of this Court has observed that a person cannot travel abroad without the permissions of the Court where the criminal case is pending and the same would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if a person has to travel abroad and a criminal case is pending, then unless the Magistrate or the



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Sessions Court, where the criminal case is pending permits the person to travel abroad, he cannot travel abroad. The relevant portion is extracted hereunder:

“The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.”

8.The said case also relates to renewal of the passport. The 1st respondent shall bear in mind that right to travel abroad is a fundamental right. Therefore, the 1st respondent unless there are extraordinary circumstances shall not deny relief.

9.Fully fortified by the Judgment of the Hon'ble Division Bench of this Court in W.A.No.902 of 2023, this Court hereby direct the first respondent to process the application of the petitioner for renewal of passport without insisting for permission of the Court, where a criminal case is pending against



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the petitioner. If the petitioner is travelling abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

10. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

04.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Madurai,
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2. The Inspector of Police,
Madurai City Cyber Crime Police Station,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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