



W.P.(MD)No.26507 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.26507 of 2024

Danie Rebecca

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
Tiruchirappalli, New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.

2.The Inspector of Police,
Palakkarai Police Station,
Trichy City.

... 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 issue fresh passport to the petitioner by considering the petitioner's passport application in Passport Application File No:TR2066939967524 dated 16.09.2024.

For Petitioner	: Mr.A.N.Ramanathan
For 1 st Respondent	: Mr.R.Ganesh Kumar Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



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ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 1st respondent to issue fresh passport to the petitioner by considering the petitioner's passport application in Passport Application File No:TR2066939967524 dated 16.09.2024.”

2.The petitioner applied for fresh passport on 16.09.2024 to the first respondent. However, the first respondent without issuing the same had sent a communication dated 08.10.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from Palakkarai Police Station in Crime No.490 of 2024 for the offences under Sections 294(b), 115(2) and 351(3) of BNS. In view of the communication from the first respondent, the petitioner appeared in person and submitted his explanation. However, the petitioner's application is still pending before the 1st respondent. Hence, the Writ Petition came to be filed.

3.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.

4.It is a settled proposition of law that a mere pendency of FIR



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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.

5.In view of the same, the first respondent is hereby directed to consider the application of the petitioner to issue her passport without reference to the FIRs lodged against her and issue passport if she 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.

6.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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To

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L.VICTORIA GOWRI, J.

Mrn

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