



W.P.(MD)No.26620 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.26620 of 2024

and

W.M.P.(MD)No.22582 of 2024

C.Sankara Narayanan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter Ref. No.SCN/319568807/24 dated 24.09.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to issue passport to the petitioner.

For Petitioner

: Mr.R.J.Karthick

For 1st Respondent

: Mr.T.Thirupathy
Standing Counsel

For 2nd 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 Certiorarified Mandamus, calling for the records pertaining to the impugned letter Ref. No.SCN/319568807/24 dated 24.09.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to issue passport to the petitioner.”

2.The petitioner has made an application for re-issuance of passport, which is about to expire on 20.11.2024 and the application Number is MD2076950332924. However, the first respondent without renewing the same, had sent a communication letter ref.No.SCN/319568807/24, dated 24.09.2024, requiring to provide a suitable explanation within 30 days for the adverse Police Verification Report received from District Crime Branch, Tirunelveli, in Crime No.14 of 2022 for the offences under Sections 465, 467, 468 and 471 of IPC, which is registered as against the petitioner. Subsequently, the petitioner has sent a detailed explanation dated 30.09.2024, to the 1st respondent. But the same was not considered. Challenging the said communication, 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



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that the matter is still pending in FIR stage and has not culminated in filing a final report.

4. Heard the learned counsel appearing for the petitioner, the learned 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 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. Consequently, connected miscellaneous petition is closed.

12.11.2024

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

To

1. The Regional Passport Officer,
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2. The Inspector of Police,
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L.VICTORIA GOWRI, J.

Mrn

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