



W.P.(MD).No.27464 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27464 of 2024

Muruganantham

... Petitioner

Vs

1. The Regional Passport Officer,
Office of the Regional Office,
Municipal Water Tank Building,
W.B.Road,
Trichy.

2. The Inspector of Police,
Ammamet Police Station,
Thanjavur District.

3. The Inspector of Police,
Patteswaram Police Station,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to renew the petitioner's passport bearing No. N4272460 on the basis of the petitioners passport renewal application in File No. TR 1077033418924, dated 17.10.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr. S.Muthu Malai Raja



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

Mr.K.Gnanasekaran (R2,R3)
Government Advocate (Crl.Side)

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to renew the petitioner's passport bearing No. N4272460 on the basis of the petitioners passport renewal application in File No. TR 1077033418924, dated 17.10.2024.

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 (Crl.Side) appearing for the second and third respondents. Perused the materials on record.



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4.It is submitted by the learned counsel for the petitioner that the petitioner had applied for renewal of his passport bearing No.N4272460. The petitioner is having two previous cases in Cr.Nos.470 of 2019 and 30 of 2024 pending on the file of respondents 2 and 3 respectively.

5.The learned Government Advocate (Crl.Side) appearing for the 2nd respondent submitted that in Cr.No.470 of 2019, after completion of investigation, the second respondent has filed a final report before the learned Judicial Magistrate, Thiruvaiyaru through e-filing mode and the same is not taken on file. In the FIR in Cr.No.30 of 2024 on the file of 3rd respondent, investigation is pending.

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.



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6.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 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.”

7.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.



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8. Fully fortified by the aforesaid decisions, 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 the petitioner. However, it is made clear that if the petitioner is travelling abroad, then the petitioner would be required to seek permission from the Court where the criminal case is pending.

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

There shall be no order as to costs.

18.11.2024

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

PNM

To

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Municipal Water Tank Building,
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2. The Inspector of Police,
Ammamet Police Station, Thanjavur District.

3. The Inspector of Police,
Patteswaram Police Station, Thanjavur District.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.27464 of 2024**

18.11.2024