



W.P.(MD).No.27567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27567 of 2024

and

W.M.P.(MD)No.23379 of 2024

Anis Fayitha Bava Hussain

... Petitioner

Vs.

1.The Regional Passport Officer,
O/o. Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
Madurai-625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in File No.MD1076961571724 dated 02.10.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to reissue / renew of the petitioner's passport in Passport No.F1891384 to the petitioner within the stipulated time fixed by this Court.

For Petitioner : Mr.T.Antony Arulraj



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

For R-2 : Mr.K.Gnanasekaran,
Government Advocate, (Criminal side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition has been filed to call for the records relating to the impugned order in File No.MD1076961571724 dated 02.10.2024 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to reissue / renew of the petitioner's passport in Passport No.F1891384 to the petitioner within the stipulated time fixed by this Court.

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

4.The petitioner applied for a passport and obtained a passport in Passport No. F1891384. It was issued on 17.04.2004 and the same was expired on 16.04.2014. In the year 2017, the petitioner applied for renewal and re-issuance of a passport. On verification, it was informed that, while



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obtaining a passport, the petitioner submitted her 12th standard mark sheet. Therefore, the authorities stated that the petitioner had obtained a passport based on a false certificate and based on the said information, the passport authorities had given a complaint before the 2nd respondent police. Furtherance to the said complaint, FIR in Crime No.584 of 2017 under Sections 465, 466, 468, 471 of IPC and Section 12(1)(b) of Passport Act, 1967 came to be registered against the petitioner. In connection to the same, the petitioner applied for a anticipatory bail and the same was also granted in favour of the petitioner. Thereafter, the petitioner again applied for re-issuance of the passport. At that time, the passport authorities issued the impugned order dated 02.10.2024 directing the petitioner to produce the order copy in respect of Crime No.584 of 2017. Challenging the same, 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



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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 impugned order dated 02.10.2024 is hereby quashed. The first respondent is directed to reissue / renew the petitioner's 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.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.11.2024

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

To

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



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Madurai-625 002.
2.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City,
Madurai-625 001.



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L.VICTORIA GOWRI, J.

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