



WEB COPY



W.P.(MD).No.27606 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27606 of 2024

and

W.M.P.(MD)No.23432 of 2024

Balaram

... Petitioner

Vs.

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

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

... 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 entire records relating to the impugned order in Letter Ref.No.SCN/319832157/24 dated 25.10.2024 of the 1st respondent and to quash the same as illegal and consequently directing the 1st respondent to re-issue / renew the passport of the petitioner for the period of 10 years on the basis of the petitioner's passport application taken on file as File No. 241012197077 dated 03.10.2024 within the time stipulated by this Court.



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For Petitioner : Mr.R.Mareeskumar
For R-1 : Mr.T.Mahendran,
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 entire records relating to the impugned order in Letter Ref.No.SCN/319832157/24 dated 25.10.2024 of the 1st respondent and to quash the same as illegal and consequently direct the 1st respondent to re-issue / renew the passport of the petitioner for the period of 10 years on the basis of the petitioner's passport application taken on file as File No.241012197077 dated 03.10.2024.

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



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4.The petitioner applied for a passport and obtained a passport in Passport No.M5588791 dated 20.01.2015 and the same will expire on 19.01.2025. Therefore, the petitioner had applied for re-issuance of a passport on 03.10.2024 vide an application bearing File No.241012197077. On receipt of the application made by the petitioner, the 1st respondent issued the impugned order dated 25.10.2024 seeking to call for the records pertaining to the FIR in crime No.20/2021 registered by the District Crime Branch, Virudhunagar, against the petitioner. 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 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 25.10.2024 is hereby quashed. The first respondent is directed to reissue / renew the



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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,
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2.The Inspector of Police,
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L.VICTORIA GOWRI, J.

Sml

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