



W.P.(MD).No.28791 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28791 of 2024

Sigamani

... Petitioner

Vs.

1.The Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Trichy - 620 018.

2.The Inspector of Police,
Ayyampettai 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 first respondent to issue a passport to the Petitioner based on his application No.TR1066549938924 dated 14.05.2024 within the time stipulated by this Court.

For Petitioner : Mr.K.M.Karunakaran

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 is filed to direct the first respondent to issue a passport to

the Petitioner based on her application No.TR1066549938924 dated 14.05.2024.

<https://www.mhc.tn.gov.in/judis>



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

4.The petitioner has applied for the issuance of a passport through her application No.TR1066549938924 dated 14.05.2024. On receipt of the petitioner's application, the 1st respondent issued a letter dated 05.06.2024 requesting the petitioner to appear before them and give an explanation about the case in Cr.No. 192 of 2022 on the file of the 2nd respondent police station. The petitioner approached the 1st respondent and furnished all the particulars relating to the criminal case by enclosing the copy of the documents before the 1st respondent. However, the 1st respondent has not issued a passport to the petitioner. Hence, the present writ petition came to be filed.

(*)5.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that Crime No.192 of 2022 culminated in laying charge sheet before the learned Judicial Magistrate No.III, Thanjavur District. However, the same was not taken on file before the said Court till now.

(*)6.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



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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.

(*)7.In view of the same, the first respondent is hereby directed to consider the application of the petitioner dated 14.05.2024, 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 eight weeks from the date of receipt of a copy of this order.

(*)8.The Writ Petition is allowed on these terms. There shall be no order as to the costs.

Sd/-

03.12.2024

(*)Corrected as per order of this Court dated 26/02/2025 made in WP(MD)No. 28791 of 2024.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

MRN



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To

(*)To be substituted to the order already despatched on 20/02/2025

1.The Judicial Magistrate No.III,
Thanjavur

2.The Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Trichy – 620 018.

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.M.KARUNAKARAN,
Advocate (SR-70051[F] dated 03/12/2024)

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MGJ(31.01.2025) 4P 6C

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SL(04.03.2025)/ 4P/ 6C

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