



W.P.(MD)No.28723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28723 of 2024

Krishnaraj

Vs.

... Petitioner

1.The Regional Passport Officer,
Passport Seva Kendra,
New Municipal Complex,
Thillainagar, 7th Cross,
Tiruchirappalli District.

2.The Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent no.1 to issue passport by processing the Application No. TR1066500826124 dated 30.04.2024 pending on the file of the Respondent No.1 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Sundaravadivel (R1)

Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate



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ORDER

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Mr.P.Sundaravadivel, learned Standing Counsel takes notice for the first respondent. Mr.K.Gnanasekaran, learned Government Advocate takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondent no.1 to issue passport by processing the Application No. TR1066500826124 dated 30.04.2024 pending on the file of the Respondent No.1 in accordance with law within the time stipulated by this Court.”

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. The petitioner applied for issuance of passport vide his application in Application No. TR1066500826124 on 30.04.2024. On receipt of the same, the first respondent issued a letter dated 11.06.2024 directing him to appear before the authority seeking explanation about the cases registered under Sections 147, 294 (b), 323, 506 (1) and 379 of IPC, against him in Crime No.88 of 2018 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.



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5. The learned Government Advocate appearing for the second respondent submitted that the charge sheet has already been filed in Crime No. 88 of 2018, wherein the petitioner's name has been removed.

6. Further, 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.

7. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to issue his passport without reference to the FIRs lodged against him, 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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8. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

02.12.2024

NCC : Yes / No
Index : Yes / No
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- TO:-**
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 - 2.The Inspector of Police,
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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.28723 of 2024

Dated
02.12.2024