



W.P.(MD)No.29452 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.12.2024**

CORAM:

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

W.P.(MD)No.29452 of 2024

Prabu Santhoshkumar

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross Street,
Trichirappalli - 620 018.

2. The Inspector of Police,
Madukkur Police Station,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to confirm the validity of the renewal passport issued to the petitioner in Passport No.C2491259, dated 04.09.2024.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.G.Moovendran (R1)

Standing Counsel



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Mr.K.Gnanasekaran (R2)
Government Advocate

ORDER

This writ petition is filed seeking for a direction to the 1st respondent to confirm the validity of the renewal passport issued to the petitioner in Passport No.C2491259, dated 04.09.2024.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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

4. The petitioner made an application for renewal of passport to the first respondent and the same was duly renewed and a passport bearing No. C2491259 was despatched to him and the petitioner received the same on 04.09.2024. Subsequently, the first respondent sought for clarification by communication dated 16.09.2024 with respect to adverse police report from the second respondent police station in Crime No.1323 of 2020, which is pending



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against the petitioner. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

5. The learned counsel appearing for the second respondent police on instructions submitted that no charge sheet has been laid so far before the jurisdictional Magistrate Court.

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 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 confirm the validity of the renewed passport issued to the petitioner in Passport No.C2491259, dated 04.09.2024. 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.

06.12.2024

NCC : Yes / No
Index : Yes / No
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- TO:-**
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L.VICTORIA GOWRI, J.

Sm

Order made in
W.P.(MD)No.29452 of 2024

Dated
06.12.2024