



W.P.No.4120 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4120 of 2025

B.John Pandian

.. Petitioner

Versus

1. The Union of India,
Represented by its Secretary,
Ministry of External Affairs,
A-Wing, Jawaharlal Nehru Bhavan,
23-D, Janpath, New Delhi - 110 011.
2. The Regional Passport Officer (RPO),
Royala Towers No:2 and 3,
IV Floor, Old No:785,
New No:158,
Anna Salai, Chennai - 600 002.
3. The Sub-Inspector of Police,
Coimbatore City Police,
Coimbatore District.
(Crime No.253 of 2020)
4. The Sub-Inspector of Police,



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Keelathooval Police Station,
Ramanathapuram District.
(Crime No.72 of 2021)

5. The Sub-Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.205 of 2024)

.. Respondents

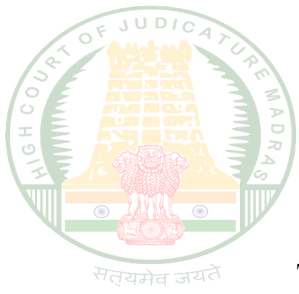
Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the 2nd respondent to re-issue petitioner's original passport bearing No.Z4721283, dated 04.03.2019 by considering his passport application vide No.MA2077202536724, ARN:24-1014774923, dated 11.12.2024 and his explanation, dated 03.01.2025 withing stipulated period as fixed by this Court.

For Petitioner : Mr.R.Prabakaran,
Senior Counsel,
Asstd. by Mr.S.Kumar

For Respondents : Mr.S.Diwakar, for RR-1 and 2

: Dr.C.E.Pratap,
Government Advocate (Crl. Side),
for RR-3 to 5

ORDER



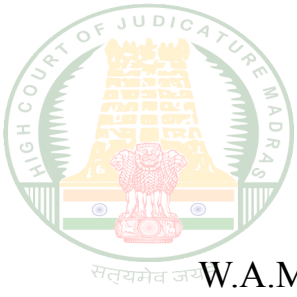
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This Writ Petition is filed to re-issue the petitioner's original passport bearing No.Z4721283, dated 04.03.2019 by considering the application of the petitioner vide No.MA2077202536724, dated 11.12.2024 and his explanation, dated 03.01.2025.

2. It is seen that the petitioner, who was hitherto having a passport, made an application for re-issue of the passport. Upon receipt of the adverse Police Report, the same is not now being granted by the authorities. It can be seen that there is one criminal case pending as against the petitioner in C.C.No.2028 of 2021 on the file of the learned Judicial Magistrate No.V, Coimbatore. This apart, two First Information Reports are pending as against the petitioner in Crime No.72 of 2021 on the file of the fourth respondent and in Crime No.205 of 2024 on the file of the fifth respondent.

3. It is now well settled that by the judgment of this Court in ***Arumugam Vs. The Regional Passport Officer, Madurai*** in



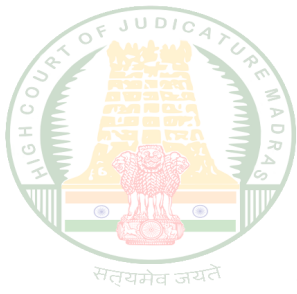
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W.A.MD.No.301 of 2018, dated 27.03.2018 and the instructions of the
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Government of India issued in this regard, that pendency of the First Information Reports cannot be considered as Criminal Cases for the purpose of the Passport Act.

4. As far as the case that is pending after filing of the Final Report and taken on file is concerned, a Division Bench of this Court in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and Anr.*** in W.A.No.902 of 2018, dated 02.06.2023, has held that the requirement of taking permission from the Court, in which, the Criminal Case is pending arises at the stage when the petitioner wants to leave abroad and the same shall not be taken into account for the purpose of re-issue of the passport itself.

5. In view thereof, this Writ Petition is disposed of on the following terms:-



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(i) The second respondent is directed to consider the application of the petitioner in No.MA2077202536724, ARN:24-1014774923, dated 11.12.2024 and re-issue the petitioner of his passport bearing No.Z4721283, dated 04.03.2019 dehors the pendency of the above First Information Reports and the Criminal Case;

(ii) The said exercise shall be carried on by the second respondent within a period of four weeks from the date of receipt/production of a web-copy of this order without waiting for a certified copy of this order;

(iii) Needless to mention that the petitioner will take the permission of the Court in C.C.No.2028 of 2021 on the file of the learned Judicial Magistrate No.V, Coimbatore, in case, he chooses to visit abroad by making an appropriate application and the same will be considered by the Court in accordance with law;

(iv) There shall be no order as to costs.

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Neutral Citation : no

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D.BHARATHA CHAKRAVARTHY, J.

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