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W.P.No.5148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5148 of 2025
and W.M.P.No.5712 of 2025

Mohammed Hassan Buhari

.. **Petitioner**

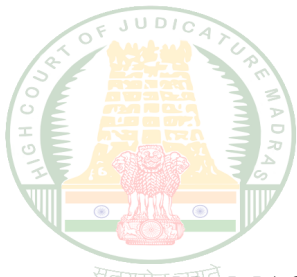
Vs.

1.The Regional Passport Officer
Regional Passport Office
Ministry of External Affairs
Royala Towers No.2 and 3, IV Floor
Old No.785, New No.158, Anna Salai
Chennai – 600 020.

2.The Inspector of Police
B1, North Beach Police Station
Chennai.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the impugned communication in Letter Ref.No.CNO/320392555/25 dated 01.01.2025 of the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to issue passport to the petitioner vide File



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No.MA2077106657924 on 07.11.2024 within time frame stipulated by this Court.

For the Petitioner : Mr.Abdul Basith

For the Respondents : Mr.G.Baskaran
CGSC for R1
Dr.C.E.Pratap
Government Advocate for R2

ORDER

This Writ Petition is filed for a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication dated 01.01.2025 and to consequently direct the respondents to issue passport to the petitioner.

2. The grievance of the petitioner is that he submitted an application in file No.MA2077106657924 for renewal of his passport. While so, upon receiving an adverse police report that one criminal case viz., in C.C.No.73 of 2024 is pending before the VII Metropolitan Magistrate, George Town, Chennai, for the alleged offences under Sections 142,147, 149, 353, 427, 294 (i) and 506 (ii) of IPC, the 1st respondent authority has passed the impugned order, not granting the renewal of the passport.

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3. The learned counsel for the petitioner would submit that the matter is no longer *res integra*. The Division Bench of this Court had considered the cases relating to FIR in W.A.(MD) No.301 of 2018 and held that mere pendency of a FIR cannot be termed as criminal case. Thereafter, an yet another Division Bench in W.A.No.902 of 2023 in ***Regional Passport Officer Vs. Samsudeen Mohamed Salih and Others***, had considered the question with reference to the cases in which the charge sheet is filed and is taken on file and pending before the Criminal Court. The Division Bench has held that the bar under the relevant rules that are framed by the Government of India is with reference to travelling abroad and the very issue of passport or renewal thereof itself need not be stopped and the appropriate investigating authority can always keep a tab on the concerned petitioner and only if the petitioner wants to travel to abroad, the petitioner has to seek permission of the Court.

4. In this case, it can be seen that the criminal case is pending before the appropriate Court. In view of the dictum laid down by the Division Bench of



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this Court, the respondents are directed to process the application and renew the passport of the petitioner. However, for travelling to abroad, the petitioner has to seek permission of the concerned Court and then only, he can leave the country. The 1st respondent shall complete the above exercise, within period of four weeks from the date of receipt / production of the website uploaded copy of the order, without waiting for the certified copy.

5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

17.02.2025

Neutral Citation : No

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To

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