



W.P.No.6493 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6493 of 2025
and
WMP.Nos.7148 & 7151 of 2025

Sankar

... Petitioner

Vs.

1.The Regional Passport Officer
Regional Passport Office
Thiruchirappalli New Municipal Complex
Thillainagar 7th Cross
Thiruchirapalli 620 018.

2.The Inspector of Police
Kunnam Police Station
Perambalur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the firsts respondent vide his letter in Ref.No.SCN/319870131/24 dated 30.10.2024 and quash the same and



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consequently direct the respondents to issue a Police Clearance Certificate to

the petitioner, within the time limit to be stipulated by this Court.

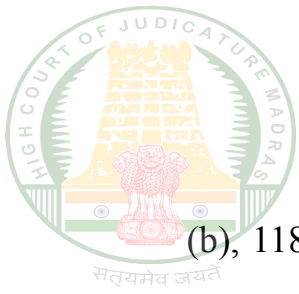
For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.R.Subramanian for R1
Central Government Standing Counsel
Dr.C.E.Pratap for R2
Government Advocate

ORDER

This Writ Petition is filed seeking to quash the impugned order dated 30.10.2024. By the said the order, the first responder is directing to surrender the passport on the ground that an adverse police report is received. Further the petitioner also needs a police clearance certificate since he shortly living abroad.

2. When the matter came up for hearing, Dr.C.E.Pratap, the learned Government Advocate (Crl.Side) would submit that there is a First Information Report that is pending against the petitioner in Crime No.325 of 2024. On a perusal, it can be seen that it is for the offences under Section 296



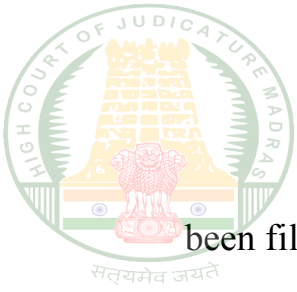
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(b), 118 (1) and 351 (3) of the BNS, 2023. It is now stated on behalf of the

respondent police that already investigation is completed and charge sheet is filed vide e-filing on 09.03.2024 and the same is yet to be taken on file.

3. It can be seen that the position relating to the criminal cases have since been settled by the Division Bench judgements of this Court, the mere pendency of the First Information Report cannot be considered to be a criminal case for the purpose of the passport Act and already the Government of India has also issued guidelines in this regard, useful reference may be had to the judgement of the Division Bench of this Court in ***Arumugam Vs. Regional Passport Officer, W.A(MD).No.301 of 2018***. In respect of the pending criminal case it has been held that the same is not a ground to refuse or even impound passport but however the concerned person can take the permission of the Court concerned before leaving abroad.

4. As far as the police clearance certificate is concerned, the same is issued depending upon the nature of the cases that are against the petitioner. In this case even as on date, the charge sheet is though said to have



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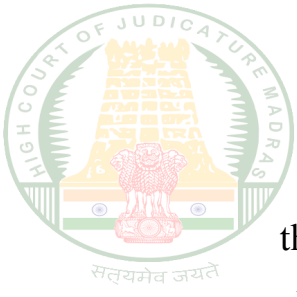
been filed it is not yet taken on file and culminated into a criminal case. It can

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be seen that the nature of the offenses is mentioned above, as a matter of fact upon perusal of the FIR, it can be seen that with reference to a land dispute there were exchanges of words and also the incident happened between the petitioner and the other party and it is also said that the petitioner has also given a criminal counter case. Therefore, with reference to the said criminal case, it would be extremely disproportionate and harsh upon the petitioner to be prevented from going abroad for eking out his livelihood. Needless to mention that before leaving abroad if the case is taken on file the petitioner should also file an application before the concerned court and after getting permission shall leave abroad.

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

- (i) The impugned order dated 30.10.2024 shall stand quashed;
- (ii) The second respondent police shall issue a police clearance certificate to the petitioner mentioning about



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the nature of the case, so as to enable the petitioner to leave abroad for his avocation;

(iii) If before leaving abroad, the case is taken on file by the learned Judicial Magistrate Kunnam, the petitioner shall also file an application for permission to leave abroad and only after taking permission the petitioner shall leave abroad.

(iv) The aforesaid exercise shall be completed by the authorities within a period of four weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.

(v) No costs. Consequently, connected Miscellaneous Petitions are closed.

28.04.2025

Neutral Citation : No
dna



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