



W.P.No.11818 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 03.04.2025**

**CORAM:**

**THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.No.11818 of 2025**

S.Balaji

... Petitioner

Vs.

1.The State of Tamil Nadu  
Rep.by its Secretary to Government, Home Department  
Fort St. George  
Chennai 600 009.

2.The Inspector of Police  
Mangalamedu P.S.  
Perambalur Dist.

3.The Regional Passport Officer  
Plot No.A5, Salai Road and Shastri Road Junction  
Thillai Nagar  
Thiruchirapalli.

...Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, to

**WEB COPY** issue a Writ of Mandamus, directing the third respondent to issue passport to the petitioner based on the petitioner application reference No.241014741759 dated 10.12.2024 in accordance with law.

|                |                                                          |
|----------------|----------------------------------------------------------|
| For Petitioner | : M/s.T.Dharani                                          |
| For R1         | : Mr.V.Venkata Sessaia<br>Government Advocate            |
| For R2         | : Dr.C.E.Pratap for R2<br>Government Advocate (Crl.Side) |
| For R3         | : Mr.S.Kasi, for R3<br>(CGSC)                            |

### **ORDER**

This Writ Petition is filed for a prayer to issue of passport to the petitioner based on his application bearing reference No.241014741759 dated 10.12.2024.

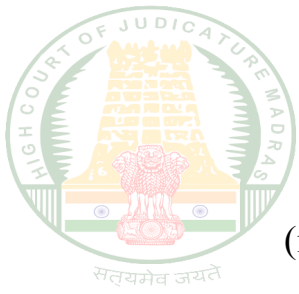
2. Upon hearing the learned counsel appearing on behalf of the



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petitioner and Mr.V.Venkata Seshaia, the learned Government Advocate appearing on behalf of the first respondent, Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing on behalf the second respondent and Mr.S.Kasi, learned Central Government Standing Counsel and perusing the affidavit filed in support of the case and the material records of the case, it can be seen that upon receipt of an adverse police report the petitioner request is not considered. It can be seen that the petitioner is shown as an accused in Crime No.763 of 2021 for alleged offences under Section 147, 294 (b), 323, 324, 342, 506 (ii) & 307 of IPC r/w 4 of TNPHW Act. It is now clear that the Division Bench of this Court in ***Arumugam Vs. Regional Passport Officer, W.A(MD).No.301 of 2018*** has held at the First Information Report cannot be considered as a criminal case for the purpose of the Passport Act which is also reiterated by the Government of India in the Rules. Therefore the same cannot be an impediment.

3. In view thereof, this Writ Petition is allowed on the following terms;



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- (i) The third respondent is directed to consider the application of the petitioner bearing reference No.241014741759 dated 10.12.2024 and issue passport to him *de hors* the pendency of the First Information Report if there is no other impediment. The said exercise shall be completed within a period of 8 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.
- (iii) No costs.

**03.04.2025**

Neutral Citation : No  
dna

**To**

- 1.The Secretary to Government, Home Department  
Fort St. George  
Chennai 600 009.
- 2.The Inspector of Police  
Mangalamedu P.S.  
Perambalur Dist.
- 3.The Regional Passport Officer  
Plot No.A5, Salai Road and Shastri Road Junction  
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**D.BHARATHA CHAKRAVARTHY, J.**

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