



W.P.No.12908 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 08.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12908 of 2025

Thirumavalavan Thangavel,
S/o.Thangavel,
No.770A, Main Road, E-Koriyampatti, Elaiyur-PO,
Andimadam Taluk,
Ariyalur District.

.. Petitioner

/versus/

1. The Regional Passport Officer,
Regional Passport Office,
Ministry Of External Affairs,
Sasthri Bhavan,
Nungambakkam,
Chennai-600 034.

2. The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
New Municipal Complex,
7th Cross Thilainagar,
Tiruchirappalli 620 018.

3.The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

.. Respondents



W.P.No.12908 of 2025

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to re-issue passport to the petitioner based on petitioner application vide file No.TR1077468890525 forthwith

For Petitioner : Mr.Chenthoori Pugazendhi

For Respondents : Ms.P.Rajalakshmi, CGSC, for R1 & R2
Dr.C.E.Prathap,
Government Advocate (Crl.Side) for R3

ORDER

The writ petition is filed with a prayer directing the 2nd respondent to re-issue the passport to the petitioner based on the petitioner's application vide file No.TR1077468890525.

2. Upon hearing the Learned Counsel for the petitioner and the Learned Counsel for the respondents 1 & 2 and the Learned Government Advocate appearing on behalf of the respondents, it is seen that the petitioner's prayer is turned down on receipt of an adverse police report. As a matter of fact, the Government Advocate (Crl.Side) as well as the Learned Counsel appearing on behalf of first respondent would seek further time to file counter. However, when



W.P.No.12908 of 2025

the respondent police have given the list of criminal cases that is pending against

him, I am of the view that the case can be considered without further adjourning the matter. It is seen that there are totally 9 cases against the petitioner, in which the case in Crime Nos.1039 of 2020 and 882 of 2021 already investigation is completed and action dropped. There are three First Information Reports that are pending against the petitioner in Crime No.440 of 2020, Crime No.158 of 2021 and Crime No.7 of 2025 on the file of the Jayamkondam Police Station. It is already held that the pendency of the first information reports cannot be deemed to be criminal cases for the purpose of Passport Act by the Division Bench judgment of this Court in *Arumugam v. Regional Passport Officer* (W.A.MD.No.301 of 2018). The Government of India has also issued guidelines in these same lines thereafter. Apart from the same, there are four criminal cases pending against the petitioner. The following four cases are pending.

<i>Sl.No.</i>	<i>Crime No.</i>	<i>Section of Law</i>	<i>C.C.No. S.T.C.No.</i>	<i>Name</i>	<i>Stage</i>
1	341/2023	143, 290, 341- I.P.C	STC No.652/2024	Tmt. Thirumavalavan	PT
2	156/2023	153 A, 505 (2) – I.P.C	C.C.No.426/202 4	Tmt. Thirumavalavan	PT
3	1031/2020	294(b), 323, 363-I.P.C @ 294(b), 323 – I.P.C	S.T.C.No. 1031/2024	Tmt. Thirumavalavan	PT
4	284/2011	147, 294(b), 323, 354, 448, 506(2)-I.P.C	C.C.No. 27/25	Tmt. Thirumavalavan	PT



W.P.No.12908 of 2025

3. The legal position is also settled by this Court in ***Regional Passport Officer vs. Samsudeen Mohamed Salih (W.A.No.902 of 2023)*** by holding that the pendency of the criminal cases by itself will not be a bar for issue of passport, but however the person concerned should take the permission of the Court before leaving for abroad.

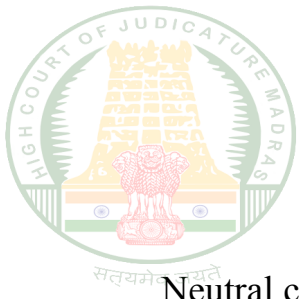
4. In view of the same, this writ petition is disposed of the following terms:

(i) The second respondent is directed to consider the application of petitioner for issue of passport, *dehors* the pendency of the criminal cases, if the petitioner is otherwise eligible. The said exercise shall be completed within a period of eight weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

(ii) The petitioner shall take the permission of the concerned Courts in all the above four criminal cases before leaving abroad.

There shall be no order as to costs.

08.04.2025



W.P.No.12908 of 2025

Neutral citation: Yes/No.

bsm

To,

1. The Regional Passport Officer,
Regional Passport Office, Ministry Of External Affairs,
Sasthri Bhavan, Nungambakkam,
Chennai-600 034.

2. The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
New Municipal Complex,
7th Cross Thilainagar,
Tiruchirappalli 620 018.

3. The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

4. The Government Advocate, High Court, Madras.

5. The Public Prosecutor, High Court, Madras.



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W.P.No.12908 of 2025

D.BHARATHA CHAKRAVARTHY,J.

bsm

W.P.No.12908 of 2025

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