



W.P.No.13558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.04.2025

CORAM:

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

W.P.No.13558 of 2025

MOHAMMED KASIM ABDUL KARIM

... Petitioner

Vs

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,
COIMBATORE, FIRST FLOOR,
CORPORATION COMMERCIAL COMPLEX,
OPP. THANDUMARIAMMAN KOIL,
AVINASHI ROAD,
COIMBATORE- 641 018.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SALEM, SALEM DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to issue passport to petitioner based on petitioner's application vide file No.CB1064375497922 dated 03.07.2022 forthwith.



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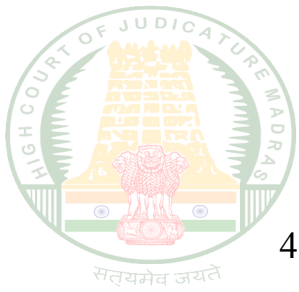
For Petitioner : Mr.M.R.Elavarasan
For R1 & R2 : Mr.V.Muthupandi
For R3 : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

This writ petition is filed seeking a direction to the second respondent to issue a passport to the petitioner based on the petitioner's application, vide File No. CB1064375497922 dated 03.07.2022.

2. Upon hearing the learned counsel on either side and perusing the affidavit filed in support of the writ petition and the material records of the case, it can be seen that, upon receipt of the adverse police report, the passport is not being issued.

3. It can be seen that a case In Crime No. 5 of 2018 was registered against the petitioner, which is now pending as C.C. No. 562 of 2020 on the file of the Judicial Magistrate VI, Salem. Similarly, yet another case was also registered against the petitioner in Crime No. 6 of 2018, which is now pending as C.C. No. 563 of 2020 before the same Court.



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4. Be that as it may, the issue has already been decided by this Court in

the case of ***Regional Passport Officer v. Samsudeen Mohamed Salih*** (W.A.No. 902 of 2023), in which it was held that the mere fact that a criminal case is pending does not necessarily result in the withholding of the reissuance of a passport. However, it was required that the petitioner has to obtain permission from the trial Court before traveling abroad.

5. In view thereof, this writ petition is ordered on the following terms:-

(i) The second respondent shall take up the petitioner's application, vide File No. CB1064375497922 dated 03.07.2022 and consider it de hors the pendency of the above criminal cases and issue a passport to the petitioner if there is no other impediment.

(ii) The petitioner shall obtain permission from the Judicial Magistrate VI, Salem in C.C. No. 5 & 6 of 2018 before leaving for abroad.

(iii) The second respondent shall pass appropriate orders within a period of eight weeks from the date of receipt of the web copy of this order, without waiting for the certified copy. No costs.

16.04.2025

Neutral Citation: Yes/No
nsl



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To

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MINISTRY OF EXTERNAL AFFAIRS, SASTHRI BHAVAN,
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2. THE REGIONAL PASSPORT OFFICER,
REGIONAL PASSPORT OFFICE,
COIMBATORE, FIRST FLOOR,
CORPORATION COMMERCIAL COMPLEX,
OPP. THANDUMARIAMMAN KOIL,
AVINASHI ROAD,
COIMBATORE- 641 018.
3. THE INSPECTOR OF POLICE,
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D.BHARATHA CHAKRAVARTHY, J.

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