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W.P.No.33651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33651 of 2025

C.Nirmal

...Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers
No.2 & 3, IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002

2.The Inspector of Police,
Vellore North Police Station,
Vellore

..Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of a Writ of Mandamus directing the 1st respondent
to consider the representation of the petitioner dated 30.07.2025 and
accordingly direct the respondents to issue passport to the petitioner.

For Petitioner : Mr.R.Radha Pandian

For Respondents : Mr.R.Sivamoorthy for R1
Mr.S.Balaji for R2
Government Advocate



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ORDER

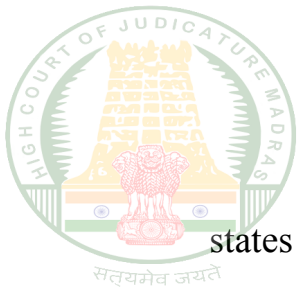
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The petitioner has filed this Writ petition seeking direction to the respondents to consider the representation of the petitioner dated 30.07.2025 and to issue passport to the petitioner.

2. The case of the petitioner is that he applied for the passport through online on 14.03.2025 in File No.MA5064925548025, whereas it was not processed by the respondents on the ground that the petitioner was involved in criminal case in Crime No.674/2018 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and the same was suppressed. The petitioner submitted a detailed representation on 30.07.2025 and the same was not considered, hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, the issue involved in the present writ petition is no longer res integra and the same has already been decided by the Hon-ble Division Bench of this Court in W.A.No.902 of 2023 dated 02.06.2023, wherein, this Court has held that, mere pendency of criminal case against the applicant will not be a bar for consideration of his/her application for issuance of a passport. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned counsel appearing on behalf of the respondents submitted that, Section 6 of the Passport Act, 1967 clearly



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states that, when a criminal case is pending against the applicant, he/she

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is not entitled for issuance of a passport and in the present case, a criminal case is pending against the petitioner and thereby, the petitioner's application seeking issuance of passport in his favour was not considered by the 1st respondent and the same cannot be said to be erroneous. Accordingly, he prayed for dismissal of this writ petition.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel on either side, however, as rightly pointed out by the learned counsel for the petitioner, the Division Bench of this Court, in a similar matter had followed the decision of the Bombay High Court in the case of Abbas Hatimbhai Kagalwala Vs. State of Maharashtra and another, reported in 2022 SCC Online Bom 1992, and had directed the passport authorities to process the application for issuance of passport by holding that, no person can be deprived of their rights for renewal of passport merely on the ground that a criminal case is pending against the said person. Further, this Court on an earlier occasion in W.P.No.28525 of 2024 dated 23.10.2024 by following the decision referred supra has passed the order.



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7. In view of the above decision, this Court directs the 1st

respondent to consider the petitioner's explanation / representation dated 30.07.2025 and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order, without insisting for necessary permission from the Court and after affording an opportunity of hearing to the petitioner. However, it is made clear that, if the petitioner wants to travel abroad, he has to obtain necessary permission from the Court where the criminal case is pending or from this Court.

8. With the above directions, this Writ Petition stands disposed of. No costs.

08.09.2025

ssd

NCC : Yes/No

Index : Yes/No

Speaking Order : Yes/No

To:

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M.DHANDAPANI, J.

ssd

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