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WP No. 43521 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 43521 of 2025

Ameer Jawahar Ali Khan
S/o.Sikander Hayah Khan,
Old Door No.27, New Door No.6,
2nd Floor, Pedariyar Koil Lane,
Seven Wells, Chennai - 600 001.

Petitioner(s)

Vs

1.The Regional Passport Officer,
Old Door No.785, 158, Rayala Tower
No.2 & 3, 4th Floor, Anna Salai,
Chennai - 600 002.

2.The Deputy Passport Officer,
Old Door No.785, 158, Rayala Tower
No.2 & 3, 4th Floor, Anna Salai,
Chennai - 600 002.

3.The Inspector Of Police,
Central Crime Branch, EDF - II,
Team - IV, Vepery, Chennai - 600 007.

Respondent(s)

PRAYER

This writ petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 1st respondent herein to pass a final order on/in show cause notice dated 23/06/2025 in File No.MA2075028002923, Letter Reference No.SCN'1049420288/25 and consequently direct the 1st Respondent to return the Petitioner's passport bearing No.W9443609 to the petitioner in accordance with law.



For Petitioner(s): Mr.L.Gavaskar
For Respondent(s): Mr.R.Sidharth,
Central Government Counsel
for R1 and R2
Mr.S.Balaji,
Government Advocate (Crl. Side)
for R3

ORDER

The petitioner has come out with this petition seeking a mandamus to direct the first respondent to pass final order on the show-cause notice dated 23.06.2025 and to return the petitioner's passport bearing No.W9443609 to the petitioner.

2.The facts leading to the filing of the present writ petition are as follows;
The petitioner was working in Malaysia and at that time, a complaint came to be lodged against his brother-in-law and father-in-law, which was registered on the file of the third respondent. The complaint was registered as Crime No.121 of 2022 and investigation was done. According to the petitioner, the FIR carried only the names of his brother-in-law and father-in-law and he was not shown as an accused. However, the charge sheet was filed including his name also as one of the accused for alleged offence under Section 406, 420 and 34 of IPC. While so, the petitioner was informed of the filing of the charge sheet arraying him as the third accused. Therefore, to defend himself, the petitioner came back to India. However, on arrival, he was arrested by the immigration authorities and handed over the third respondent. The third respondent produced the petitioner



before the Metropolitan Magistrate trying CCB cases at Egmore. As per the direction of the Magistrate, the petitioner surrendered his passport.

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3. Thereafter, the petitioner filed a miscellaneous petition before the said Magistrate for return of the passport. However, the said Application was dismissed on the ground that there is every possibility of the petitioner fleeing from the State and not attending the trial proceedings. Aggrieved by the said order, the petitioner preferred the criminal revision case before this Court, which was disposed of by this Court Vide order dated 28.03.2025 in CrI.R.C.No.500 of 2025 by observing that neither the prosecution agency nor the Court is the authority to impound the passport. The power of impounding the passport lies only with the passport authority and the Magistrate was directed to take steps to return the petitioner's passport to the concerned passport authority in accordance with law. Therefore, the petitioner's passport was handed over to the passport authorities.

4. Thereafter, the petitioner made a representation dated 22.04.2025 to Regional Passport officer seeking return of the passport. Since there was no action taken on the said representation, the petitioner preferred a writ petition before this Court, which was registered as W.P.No.16564 of 2025. The said writ petition was disposed of directing the respondents to decide the representation of the petitioner and the petitioner was also directed to appear before the first



respondent herein and the first respondent was directed to enquire into the matter and pass orders expeditiously. Thereafter, the petitioner received a letter from the second respondent herein to appear before the said Authority. Accordingly, the petitioner appeared before the second respondent and produced the relevant documents sought by the second respondent.

5. Whereafter, on 23.06.2025, the first respondent had issued a show cause notice to show cause why his passport should not be impounded. According to the petitioner, he gave an explanation/reply on 04.07.2025. Thereafter, the petitioner did not receive any communication from the passport authorities as to the fate of his passport. Therefore, the petitioner has filed this Writ Petition seeking for direction to the passport authorities to take a decision on the reply submitted by him to the show cause notice.

6. The learned counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902/2023 dated 02.06.2023 wherein this Court held that mere pendency of the criminal case is not a bar for renewal of the passport. If the person wants to travel abroad, he has to get necessary permission from the Court, where the criminal case is pending.



7. The learned counsel for the first respondent has not objected the submissions made by the learned counsel for the petitioner.

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8. Heard both sides and perused the materials available on record.

9. Considering the fact that the petitioner has made application for issuance of passport and the same is kept pending without any progress. In this background, the learned counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

10. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

*"5. A Division Bench of the Bombay High Court, in the case of **Abbas Hatimbhai Kagalwala v. State of Maharashtra and another, 2022 SCC OnLine Bom 1992**, to which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of **Vangala Kasturi Rangacharyulu**, supra and directed the respondent therein to process the application of the petitioner for renewal of the passport.*

6. The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal



of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

11. Since the present issue is also one and the similar, therefore, following the said Judgment of this Court, the following orders are passed:

"(i) The impugned show cause notice issued by the first respondent is set aside;

(ii) The first respondent is directed to process the application of the petitioner without insisting the permission of the Court, where the criminal case is pending against the petitioner and decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(iii) If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending against him."



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12. With the above observations and directions, the writ petition is allowed. No costs.

14-11-2025

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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