



WEB COPY



WP.No.46891 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.46891 of 2025

&

W.M.P.No.52373 of 2025

S.Kumar

.. Petitioner

Versus

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

2.The Inspector of Police
EDF-III, Beta – 7, Central Crime Branch
EVK Sampath Salai
Vepery, Chennai – 07

3. The Inspector of Police R-2
Kodambakkam Police Station
Chennai - 24

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter Ref. No.OBJ/1051915922/25 dated 01.11.2025 issued by the respondent and quash the same and further direct the respondent to issue passport to the petitioner within a time frame.



WP.No.46891 of 2025

For Petitioner : Mr.D.Veera Kumar

For Respondents : Ms.N.K.Nithila Vani
Central Government Counsel for R1
Mr.L.Baskaran
Government Advocate (Crl.Side)
for R2 and R3

ORDER

The petitioner challenges the order of the first respondent dated 01.11.2025.

2. It is the contention of the petitioner that the petitioner applied for renewal of his passport, however, the first respondent sent the impugned communication stating that adverse report is sent by the police with regard to the pending of criminal case in C.C.No.9008 of 2019 for the offences under Sections 406, 420 r/w. 34 of IPC and directed the petitioner to produce the proof of clearance of the said case. According to the petitioner, as the case pending trial, he could not produce any clearance before the first respondent. Hence the present writ petition.

3. Heard both sides and perused the materials placed on record.



4. By consent of both parties, this writ is taken up for final disposal at the admission stage itself.

5. At the outset, it is relevant to note that mere pendency of the criminal case, is not a bar for processing the application for issuance of passport. This aspect has been clearly dealt with by a Division Bench of this Court in the case of *The Regional Passport Officer vs. Samsudeen Mohamed Salih and another* made in *W.A.No.902 of 2023* dated 02.06.2023. The relevant paragraphs of the judgment read as follows:-

" 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."

6. That apart, even when the conviction is recorded, issuance of passport can be refused only in the cases where the applicant is convicted



WP.No.46891 of 2025

during the period of five years immediately preceding the date of application for an offence involving moral turpitude and sentenced for imprisonment of not less than two years.

7. In the case of *Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation* made in *Criminal Appeal No.1342 of 2017* dated 27.09.2021, though the appellant therein was convicted to undergo one year of imprisonment, the Hon'ble Apex Court has held that the passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal. The relevant portion of the judgment reads as follows:-

"Admittedly, at present, the conviction of the appellant stands still the disposal of the criminal appeal. The sentence which he has to undergo is for a period of one year. The passport authority cannot refuse the renewal of the passport on the ground of pendency of the criminal appeal.

The passport authority is directed to renew the passport of the applicant without raising the objection relating to the pendency of the criminal appeal in this Court. Subject to the other conditions being fulfilled, the Interlocutory Application stands disposed of."

8. Considering the above judgments, I am of the view that mere pendency of the criminal case is not a bar for processing the application for renewal of passport.



WP.No.46891 of 2025

9. Accordingly, the impugned letter dated 01.11.2025 is set aside and there shall be a direction to the respondent to consider the application of the petitioner for renewal of his passport and issue the same if otherwise, the petitioner satisfies other conditions. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this Order. It is made clear that if the petitioner wants to travel abroad, he has to obtain necessary permission from the concerned trial Court.

10. Accordingly, this writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

05.12.2025

gpa	
Index	:Yes/No
Internet	:Yes/No



WP.No.46891 of 2025

To

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W.P.No.46891 of 2025

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