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WP.No.46440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.46440 of 2025

Selvarasu

.. Petitioner

Versus

1. The Regional Passport Officer
Regional Passport Office
New Municipal Complex
Thillainagar 7th Cross
Tiruchirapalli - 620018

2.The Inspector of Police
Kunnam Police Station
Perambalur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 13.10.2025 of the petitioner and consequently issue passport to the petitioner in the passport application No.TR2075505278525 dated 13.08.2025 within the time frame fixed by this Court.

For Petitioner : Mr.P.Arumugavel

For Respondents : Mrs.Swarnalatha for R1

Central Government Standing Counsel

Mr.L.Baskaran for R2

Government Advocate (Crl.Side)



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ORDER

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The petitioner seeks for a direction, directing the respondent to consider the representation of the petitioner dated 13.10.2025 of the petitioner and consequently issue passport to the petitioner.

2. It is the contention of the petitioner that the petitioner applied for passport, however, the first respondent sent a communication that adverse report is sent by the police with regard to the criminal case pending in Cr.No.3 of 2022 for the offences under Sections 147, 148, 294B, 427, 447, 506(i) of IPC, therefore, seeks for a direction.

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.



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5. At the outset, it is relevant to note that mere pendency of the criminal case, it is not a bar for processing the application for issuance of passport. This aspect has been clearly held by the First 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 paragraph of the judgment reads 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 conviction is recorded, it is clear that refusal of passport is only in the case of appellant is convicted during the period of five years immediately proceeding the date of application for an offence involving moral



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...turpitude and sentenced for imprisonment for 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, 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 passport. Such view of the matter, there shall be a direction to the respondent to consider the representation of the



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petitioner and issue passport 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.

9. Accordingly, this writ petition stands disposed of. No costs.

02.12.2025

dhk

Index :Yes/No

Internet :Yes/No

To

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N. SATHISH KUMAR, J.

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