



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.47263 of 2025

S.Nijam Mogaideen

.. Petitioner

Versus

1. The Union of India
Rep by its Secretary
Ministry of External Affairs
New Delhi

2.The Regional Passport Officer
No.785, Rayala Towers, 2 & 3
IV Floor, Old 158, Anna Salai
Triplicane, Chennai – 600 002

3.The Inspector of Police
Thirupathiripuliyur Police Station
Cuddalore – 607 002

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, quashing the impugned letter Ref.No.OBJ/1051916276/25 dated 01.11.2025 issued by the second respondent herein and directing the 2nd respondent to forthwith process and re-issue/renew passport of the petitioner being application number MA6075776026425 in accordance with law and subject to any conditions deemed fit by this Court.

For Petitioner : Ms.N.Premalatha
For Respondents : Ms.Poonam Chopra for R1 & R2
Central Government Standing Counsel
Mr.L.Baskaran for R3
Government Advocate

ORDER



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Heard both sides and perused the materials placed on record. By consent of both sides, this writ is taken up for final disposal at the admission stage itself.

2. The petitioner challenges the letter dated 01.11.2025 issued by the second respondent seeking proof of clearance from the petitioner as there is a criminal case pending against the petitioner.

3. It is the contention of the petitioner that the petitioner applied for renewal and re-issuance of passport, however, the second respondent sent a communication that there is criminal case pending in Cr.No.565 of 2009 for the offences under Sections 294(b), 324, 506(2) of IPC and it is in pending trial stage. Therefore, seeks for a direction.

4. 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.

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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."

5. 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 turpitude and sentenced for imprisonment for not less than two years.

6. 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."

7. 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, the impugned letter stands set aside and there shall be a direction to the second respondent to consider the passport application given by the petitioner dated 15.10.2025 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.

8. Accordingly, this writ petition stands allowed. No costs. It is made clear that, if the petitioner proposes to travel outside the country, he has to necessarily seek permission from the concerned court where the criminal case is pending, if any.

11.12.2025

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

1. The Secretary
The Union of India



Ministry of External Affairs
New Delhi

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