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WP.No.47107

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.47107 of 2025

R.Gurusamy

.. Petitioner

Versus

1. The Regional Passport Officer
Regional Passport Office
Chennai

2.The Inspector of Police
R-4 Police Station, Pondy Bazaar
T.Nagar, Chennai

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Regional Passport Officer, Chennai, the first respondent to process the passport application in M.A.No.1077198236324 for re-issuance of passport to the petitioner.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.V.Senthilkumar for R1
Central Government Standing Counsel
Mr.L.Baskaran for R2
Government Advocate

ORDER

The petitioner seeks for a direction, directing the first respondent process the passport application in M.A.No.1077198236324 for re-issuance of passport to the petitioner.



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2. It is the contention of the petitioner that the petitioner applied for re-issuance of 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.261 of 2023 for the offences under Sections 109, 120B, 420, 465, 468, 471 of IPC, C.C.No.2353 of 2024 on the file of the Metropolitan Magistrate CCB Cases and CBCID Cases Court, Egmore and it is in pending trial stage. 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.

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.

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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."

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 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 first respondent to consider the passport application given by the petitioner dated 10.12.2024 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. 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.

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Index :Yes/No

Internet :Yes/No

To

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Regional Passport Office
Chennai

2.The Inspector of Police



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N. SATHISH KUMAR, J.

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