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W.P.No.47721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.47721 of 2025

Kannan @ Kanal Kannan

... Petitioner

Vs.

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.Union of India,
Represented by its Secretary,
Ministry of External Affairs,
Patiala House, New Delhi – 110 001.

3.The Inspector of Police,
Kanniyakumari CCD-III Police Station,
Kanniyakumari District.
(Crime No.16/2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent in Letter Ref.No.CNO/1052416229/25, dated 25.11.2025 and quash the same and consequently, direct the 1st respondent to renew the petitioner's passport at the earliest.



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For Petitioner : Mr.S.Iyyappan
For R1 and R2 : Mr.S.Dilliraj
Central Government Standing Counsel
For R3 : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

Challenging the order of the 1st respondent, dated 25.11.2025, requiring the petitioner to produce the permission orders of the Court to depart from India in order to process of the application of the petitioner for re-issuance of passport, the present writ petition has been filed.

2.It is the contention of the petitioner that his earlier passport expired on 14.10.2025 and he applied for re-issuance of his passport as early as on 11.08.2025. However, the 1st respondent sent a communication dated 01.11.2025 regarding adverse police verification report. The petitioner submitted his reply on 08.11.2025 along with necessary Court orders. Subsequently, the 1st respondent, has issued the impugned communication dated 25.11.2025, stating that the police verification is adverse due to the pendency of C.C.No.541 of 2024 on the file of the Judicial Magistrate-II, Nagercoil, arising out of Crime No.16 of 2023 for the offences under

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Sections 295-A, 505(2) IPC and that the petitioner's application for re-issuance of passport attracts Section 6(2)(f) of the Passport Acts, 1967.

Challenging the same, the present writ petition has been filed, also for a direction for re-issuance of passport.

3.Learned counsel for the petitioner would submit that, as far as the case in C.C.No.541 of 2024 is concerned, the same has been stayed by this Court in CrI.O.P.(MD) No.13963 of 2025, by orders dated 22.08.2025 and 23.09.2025. He would further submit that the other criminal case as against the petitioner in C.C.No.5633 of 2023 for the offences under Sections 153, 505(1)(b) and 505(2) IPC has been quashed by this Court by order dated 03.10.2024 in CrI.O.P.No.26311 of 2023. Similarly, the petitioner has also been granted anticipatory bail in Crime No.10 of 2025 on the file of the Cyber Crime Police Station, Madurai District, by order dated 07.03.2025 in CrI.O.P.(MD) No.3793 of 2025. Therefore, he would submit that the passport application of the petitioner may be processed.

4.Heard Mr.S.Dilliraj, learned Central Government Standing Counsel, who takes notice for the respondents 1 and 2 and Mr.L.Baskaran, learned Government Advocate (CrI. Side), who takes notice for the 3rd respondent



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5.By consent of both sides, the matter is taken up for final disposal at the admission stage itself.

6.At the outset, it is relevant to note that, mere pendency of criminal case(s), 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*** [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.”



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7. That apart, it is clear that, even when conviction is recorded, refusal of passport can be only in the case of the appellant being convicted during the period of five years immediately proceeding the date of application for an offence involving moral turpitude and sentenced to imprisonment for not less than two years.

8. In ***Vangala Kasturi Rangacharyulu vs. Central Bureau of Investigation [Criminal Appeal No.1342 of 2017 dated 27.09.2021,*** wherein, 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 passport on the ground of pendency of 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.”



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9. Considering the above judgments, I am of the view that, mere pendency of criminal case(s) is not a bar for processing the passport application. In such view of the matter, there shall be a direction to the 1st respondent to consider the petitioner's application for issuance of passport, dated 25.11.2025 and issue passport to the petitioner, 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. However, it is made clear that, if the petitioner proposes to travel abroad, he has to necessarily seek permission from the Court(s) wherever criminal case(s) is/are pending against him.

10. With these directions, this writ petition is disposed of. No costs.

09.12.2025

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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes



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To
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- 1.The Judicial Magistrate No.2,
Nagercoil.
- 2.The Regional Passport Officer,
Regional Passport Office,
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N. SATHISH KUMAR, J.

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