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W.P.No.48557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.48557 of 2025

Renganathan Kesavan

... Petitioner

Vs.

1.The Regional Passport Officer,
Trichirapalli, New Municipal Complex,
Thillai Nagar, 7th Cross,
Trichirapalli – 620 018.

2.State represented by the Inspector of Police,
Maruvathur Police Station,
Perambalur, Tamil Nadu – 621 708.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to process the petitioner's passport application bearing ARN:24-1015580203 without any further delay and within the time stipulated by this Court.

For Petitioner	:	Mr.N.Tharmalingam
For R1	:	Mr.S.Pavesh Kannan Central Govt. Standing Counsel
For R2	:	Mr.L.Baskaran Government Advocate (Crl. Side)



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ORDER

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The petitioner seeks a direction to the 1st respondent to process the petitioner's passport application bearing ARN:24-1015580203 without any further delay and within the time stipulated by this Court.

2.It is the contention of the petitioner that the petitioner applied for passport in the online portal vide Application Reference No.24-1015580203. Though he attended the verification process, the petitioner's passport application is kept pending for a long period on the ground of pendency of a criminal case registered against the petitioner in Crime No.60 of 2023 on the file of the 2nd respondent Police. Hence, the petitioner has come forward with this writ petition seeking a direction to the 1st respondent to issue passport to the petitioner without any further delay.

3.Heard the learned counsel for the petitioner, Mr.S.Pavesh Kumar, learned Central Government Standing Counsel, who takes notice for the 1st respondent. Mr.L.Baskaran, learned Government Advocate (Crl. Side), who takes notice for the 2nd respondent, would submit that, now charge sheet has been filed in the criminal case.



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

5.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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6. 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.

7. 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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8.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 process the petitioner's application for issuance of passport, bearing ARN:24-1015580203 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. However, it is made clear that, if the petitioner proposes to travel abroad, he has to necessarily seek permission from the concerned Court where charge sheet is said to have been filed against the petitioner in respect of Crime No.60 of 2023.

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

16.12.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes



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To

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