



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP NO. 49169 OF 2025

Gunasekaran

Petitioner(s)

Vs

1. The Regional Passport Officer
Regional Passport Office, Corporation
Commercial Complex, Opp.
Thandumariamman Koil, Avinashi
Road, Coimbatore 641 018

2. The Inspector Of Police
District Crime Branch, Crime No.
10/2022 Erode District

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to reissue / renew petitioner passport in Passport No.N3659274 pursuant to his renewal application in Application Reference Number No.CB1075775512825 pending before the 1st respondent within a stipulated time that may be fixed by this Court.

For Petitioner(s): Mr.V.Anandhamoorthy

For Respondent: Mr.M.Sathyan
Additional Central Government
Standing Counsel for R1
Mr.L.Baskaran
Government Advocate (Crl. Side)
for R2

**ORDER**

The petitioner seeks a direction to the 1st respondent to reissue / renew petitioner passport in Passport No.N3659274 pursuant to his renewal application in Application Reference Number No.CB1075775512825 pending before the 1st respondent within a stipulated time that may be fixed by this Court.

2.It is the case of the petitioner that his passport bearing No.N3659274 expired on 10.11.2025. Hence, the petitioner applied for renewal of his passport by application dated 15.10.2025. However, the 1st respondent issued a communication dated 21.10.2025 stating that a criminal case in C.C.No.551 of 2025 on the file of the Judicial Magistrate Court No.2, Erode, is pending as against the petitioner. Though the petitioner submitted his explanation in this regard, his passport renewal application is not processed so far. Hence, the writ.

3.Heard the learned counsel for the petitioner and Mr.M.Sathyan, learned Additional 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 Police, would submit that the criminal case in C.C.No.551 of 2025 is pending trial before the Judicial Magistrate Court No.2, Erode, for the offences under Sections 120-B, 418, 420, 468, 471, 109, 467 IPC.



4.By consent of both sides, the matter is taken up for final disposal at 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.”

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.”

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 consider the petitioner's application for issuance of passport, bearing Application Reference Number No.CB1075775512825, 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 Judicial Magistrate Court No.2, Erode, where criminal case is pending against him.

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

18-12-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes

To

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