



W.P.No.49007 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.49007 of 2025

Vinothkumar

..Petitioner

Vs.

1. The Regional Passport Officer
1st Floor
Corporation Commercial Complex
Avinashi Road
Coimbatore – 641 018

2. The Inspector of Police
Palladam Police Station
Tiruppur District

... Respondents

Writ Petition filed under Article 226 of Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned communication dated 12.06.2024 in File No.CB 1074572601722 on the file of 1st respondent herein, quash the same and consequently direct the 1st respondent herein to re-issue passport to the petitioner within a stipulated period.

For Petitioners ... Mr.K.Govi Ganesan

For Respondents ... Mr.R.Subramanian
Additional Central Government
Standing Counsel
Mr.L.Baskaran
Government Advocate (Crl.side)



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ORDER

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This writ petitioner has been filed to quash the impugned communication dated 12.06.2024 in File No.CB 1074572601722 on the file of 1st respondent herein, quash the same and consequently direct the 1st respondent herein to re-issue passport to the petitioner within a stipulated period.

2.It is the contention of the petitioner that the petitioner's passport bearing No.J5824483 expired on 27.08.2022 and he applied for re-issuance of his passport through online on 09.09.2022, however, the same was not processed and the first respondent sent a communication dated 12.06.2024 to the petitioner stating that his application has been closed as there is an adverse police verification report. According to the petitioner, a case was registered against him on 08.02.2022 for the alleged offences under Sections 294(b), 323, 355 and 506(ii) IPC, but till date charge sheet has not been filed and the petitioner has not received any summons. Hence, the petitioner seeks direction to the first respondent to renew his passport.

3.Heard the learned counsel for the petitioner, Mr.R.Subramanian, learned Additional Central Government Standing Counsel, who takes notice

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for the 1st respondent, and Mr.L.Baskaran, learned Government Advocate (Crl. Side), who takes notice for the 2nd respondent Police.

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 paragraphs of the judgment read 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



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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 petitioner 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



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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.

9. The learned Standing counsel for first respondent submits the petitioner application has already been rejected and therefore, if the petitioner gives a fresh application along with relevant documents, the same will be considered on its own merits.

10. In such view of the matter, the petitioner is directed to give a fresh application for renewal passport along with documents within a period of one week from the date of receipt of a copy of this order and on receipt of such application, the first respondent shall consider the petitioner's application for renewal of passport and issue passport to the petitioner, if otherwise the petitioner satisfies other conditions. Such exercise shall be completed within a period of one month thereafter. However, it is made clear that, if the petitioner proposes to travel abroad, he has to necessarily seek permission from the jurisdictional Magistrate Court(s) wherever criminal case(s) is/are pending against him.



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The writ petition is disposed of with the above directions. There shall be no order as to costs.

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Index: Yes/No

Neutral Citation: Yes

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N. SATHISH KUMAR, J

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