



W.P.(MD)No.136 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.136 of 2025

and

W.M.P(MD)Nos.144 & 145 of 2025

Mr.A.Anbumurugan

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar, 7th Cross Street,
Tiruchirappalli - 620 018.

2. The Special Sub Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur, Tiruvarur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for records of first respondent, quash its impugned order of objection dated 26.12.2024 in Letter Reference No:OBJ/320351949/24 and consequently, to direct the second respondent to forward clearance certificate to the respondent and on such receipt of the same, direct the first respondent to re-issue or renew the passport to the petitioner based on passport application No.TR1077169965524 dated



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02.12.2024.

WEB COPY

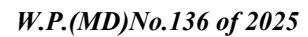
For Petitioner : Mr.L.Arockia Selvaraj
For R-1 : Mr.C.Nandagopal
Central Government Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Certiorarified Mandamus, to call for records of first respondent, quash its impugned order of objection dated 26.12.2024 in Letter Reference No:OBJ/320351949/24 and consequently, to direct the second respondent to forward clearance certificate to the respondent and on such receipt of the same, direct the first respondent to re-issue or renew the passport to the petitioner based on passport application No.TR1077169965524 dated 02.12.2024.”



4. The petitioner has made an application in File No.TR1077169965524, seeking new passport. While so, on receipt of adverse police verification report, the first respondent had issued impugned order dated 26.12.2024, directing him to appear before the authority seeking explanation regarding the cases registered against him in Crime No.450 of 2024 on the file of the 2nd respondent police. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of *W.Jaihar William Vs State of Tamil Nadu* reported in **2014 (2) CWC 684** has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

6. In view of the same, the first respondent is hereby directed to consider



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the application of the petitioner to re-issue his passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr

Note: Issue order copy on 08.01.2025.

TO:-

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar, 7th Cross Street,
Tiruchirappalli - 620 018.
2. The Special Sub Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur, Tiruvarur District.



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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.136 of 2025

Dated
06.01.2025