



W.P(MD)No.698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.698 of 2025

Gopinath

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue Passport to the petitioner by processing his application in File No.MD1076091149323 based on the explanation / representation dated 02.06.2024 within a time limit stipulated by this Court.



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For Petitioner : Mr.T.Sivananthan

For Respondents : Mr.S.Muthukumar
Central Government Standing Counsel
for R.1

Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
for R.2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to issue Passport to the petitioner by processing his application in File No.MD1076091149323 based on the explanation / representation dated 02.06.2024.

2. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent, the learned Government Advocate (Criminal Side) appearing for the second respondent and carefully perused the entire materials available on record.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The petitioner seeks issuance of passport. He had already submitted his application. While processing the same, the first respondent came to know that a criminal case in Crime No.945 of 2020 was registered against the petitioner on the file of the second respondent Police. In view of the same, the first respondent issued notice dated 22.04.2024. The petitioner submitted his explanation to the first respondent on 02.06.2024 in this regard but no action has been taken on such explanation. Hence, the present writ petition came to be filed.

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.



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6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner and issue passport 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.

09.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
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L.VICTORIA GOWRI, J.

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