



W.P.(MD).No.2317 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2317 of 2025

Mohamed Rasool

... Petitioner

Vs.

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

2.The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
(Crime No.203 of 2020)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 14.11.2024 bearing Application No.MD2077119046324 and his representation dated 18.12.2024 thereby permitting the petitioner to travel abroad.

For Petitioner : Mr.G.Anto Prince

For R-1 : Mr.K.Kuttalanathan,
Central Government Standing counsel



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For R-2

: Mr.K.Gnanasekaran,
Government Advocate,
(Criminal side)

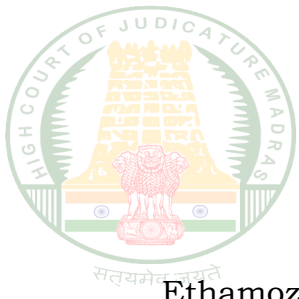
ORDER

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

2.This writ petition is filed to direct the 1st respondent to expedite the process of issuing a passport to the petitioner based on his application for renewal dated 14.11.2024 bearing Application No.MD2077119046324 and his representation dated 18.12.2024 thereby permitting the petitioner to travel abroad.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The petitioner applied for re-issuance of a passport in application No.MD2077119046324 dated 14.11.2024 before the 1st respondent. The 1st respondent required the petitioner to explain with respect to the crime in crime No.203 of 2020 on the file of the



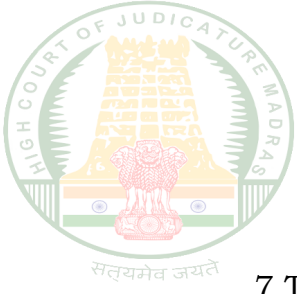
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Ethamozhi Police Station. Consequently, the petitioner's application for passport has not been acted upon so far. Hence, the present writ petition came to be filed.

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.

6.In view of the same, the first respondent is directed to reissue / renew the petitioner's 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 (4) weeks from the date of receipt of a copy of this order.



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7.The writ petition is allowed on these terms. There shall be no order as to the costs.

28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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

Sml

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