



W.P.(MD).No.1457 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1457 of 2025

Ramanathan Thavamani

... Petitioner

Vs.

1.The Officer-In-Charge,
Passport Seva at
Indian Embassies and Consulates
Official User Portal,
Ministry of External Affairs,
New Delhi.

2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District.

3.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.17/2015 and 338 of 2023).

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to renew the petitioner's passport No.M3388853, by disposing the file no.MD1077095707524, pending on his file, within the stipulated time fixed by this Court.



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For Petitioner : Mr.S.Ayyanar Prem Kumar
For R-1 & R-2 : Mr.B.Vidyamaheswaran,
Central Government Standing Counsel
For R-3 : 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 2nd respondent to renew the petitioner's passport No.M3388853, by disposing the file no.MD1077095707524.

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

4.The petitioner has applied for renewal of a passport on 22.10.2024. The respondent authorities required the petitioner to explain with respect to the Criminal cases in C.C. No.46 of 2017 in Crime No.17 of 2015, under sections 109,147,294(b),323 and 506(1)

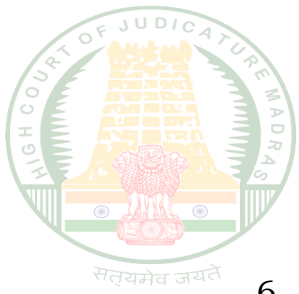


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of Indian Penal Code, 1860, and Crime No.338 of 2023 registered under section 294(b), 323, 324, 427, 448 and 506(II) of Indian Penal Code, 1860, section 4 of TNPHW Act, on the file of the 3rd respondent and the crime in Crime No.338 of 2023. The petitioner submitted his explanation, stating that crime in Crime No.338 of 2023 has been culminated in filing a charge sheet in C.C.No.46 of 2017, and the same is ended into acquittal vide judgment dated 20.11.2024, on the file of the Learned Judicial Magistrate, Melur, Madurai, and the another crime in Crime No.338 of 2023 is pending at the FIR stage on the file of the 2nd respondent. However, the petitioner's application was not considered so far. Hence, the present writ petition is 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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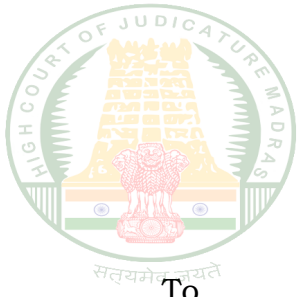
6. In view of the same, the first respondent is directed to renew the petitioner's passport if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs.

21.01.2025

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



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L.VICTORIA GOWRI, J.

Sml

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