



W.P.(MD).No.1699 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1699 of 2025

Bismillah Khan

... Petitioner

Vs.

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

2.The Inspector of Police,
M.Chatrapatti 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 1st respondent to issue fresh passport to the petitioner by considering the petitioner's application taken on file as File No. MD1067145085524 within the time that may be stipulated by this Court.

For Petitioner : Mr.J.Mohamed Ibrahim

For R-1 : Mr.T.Mahendran,
Central Government Standing Counsel

For R-2 : Mr.K.Gnanasekaran,
Government Advocate, (Criminal side)



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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 issue fresh passport to the petitioner by considering the petitioner's application taken on file as File No. MD1067145085524.

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

4.The petitioner applied for a passport before the 1st respondent on 22.11.2024 vide application No.MD1066925500524. The 1st respondent required the petitioner to explain with respect to the case in Crime No.150 of 2023 on the file of the 2nd respondent police dated 16.10.2023 for offences u/s. 147, 279, 336, 184 of IPC. The petitioner appeared before the 1st respondent and submitted that the crime in Crime No.150 of 2023 is in the FIR stage and the charge sheet is not yet filed. However, the petitioner's application for a passport was not acted so far. Hence, the present writ petition came to be filed.



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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 issue a passport to the petitioner 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.

23.01.2025

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



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L.VICTORIA GOWRI, J.

Sml

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