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W.P.(MD).No.2118 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.01.2025**

**CORAM**

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

**W.P.(MD).No.2118 of 2025**

**and**

**W.M.P.(MD)Nos.1495 and 1497 of 2025**

I.Vignesh

... Petitioner

Vs.

1.The Secretary to Government of India,  
Ministry of External Affairs,  
New Delhi.

2.The Regional Passport Office,  
Regional Passport Office,  
Government of India,  
Ministry of External Affairs,  
Bharathi Ula Veethi,  
Race Course Road,  
Madurai - 625002.

3.The Inspector of Police,  
Uchipuli Police Station,  
Ramanathapuram District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent vide proceedings in File No.MDA077159952724 dated 28.11.2024 Letter Ref No.OBJ/320163363/24 dated 03.12.2024 and quash the same as illegal



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and consequently direct the respondents 1 and 2 to renewal of the petitioner passport in File No.MDA077159952724 dated 28.11.2024 within a period as stipulated by this Court.

For Petitioner : Mr.K.Ramanathan  
For R-1 : Mr.V.Maleiyendran,  
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 seeking to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent vide proceedings in File No.MDA077159952724 dated 28.11.2024 Letter Ref No.OBJ/320163363/24 dated 03.12.2024 and quash the same as illegal and consequently direct the respondents 1 and 2 to renewal of the petitioner passport in File No.MDA077159952724 dated 28.11.2024 within a period as stipulated by this Court.



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

4. The petitioner applied for renewal of passport on 28.11.2024 in file No.MD1076961571724. The petitioner's application was rejected for the reason stated that a criminal case was pending before the 3<sup>rd</sup> respondent. However, the 2<sup>nd</sup> respondent passed an impugned order dated 03.12.2024, rejecting the petitioner's application. Challenging the same, 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 impugned order dated 03.12.2024 is hereby quashed. The first respondent is directed to reissue / renew the



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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. Consequently, connected miscellaneous petitions are closed.

**24.01.2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes

Sml

To

1.The Secretary to Government of India,  
Ministry of External Affairs,  
New Delhi.

2.The Regional Passport Office,  
Regional Passport Office,  
Government of India,  
Ministry of External Affairs,  
Bharathi Ula Veethi,  
Race Course Road,  
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3.The Inspector of Police,  
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**L.VICTORIA GOWRI, J.**

Sml

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**24.01.2025**