



W.P.(MD)No.2704 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2025**

CORAM:

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

W.P.(MD)No.2704 of 2025

Anandhakumar

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli.

2. The Inspector of Police,
Fort Police Station,
Trichy.

3. The Inspector of Police,
Prohibition and Enforcement Wing (PEW),
Washermenpet Police Station,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to issue a passport to the petitioner by processing his application in File No. TR2077121091124 based on the petitioner's representation dated 02.01.2025 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.A.Sheik Nasurdeen
For R-1 : M/s.B.Deepa
Central Government Standing Counsel
For R-2 & R-3 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

M/s.B.Deepa, learned Central Government Standing Counsel, takes notice for the 1st respondent and Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) takes notice for the respondents 2 and 3. By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2. This writ petition has been filed to direct the 1st respondent to issue a passport to the petitioner based on his application for issuance of Indian Passport in File No.TR2077121091124 based on the petitioner's representation dated 02.01.2025.

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



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4. The petitioner has made an application in File No.TR2077121091124, seeking to issue a passport. While so, on receipt of adverse police verification report, the first respondent had issued a show cause notice dated 27.11.2024, directing him to appear before the authority seeking explanation regarding the cases registered against him in Crime No.82 of 2023 on the file of the 3rd respondent police. Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

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 hereby directed to consider the application of the petitioner to issue passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first



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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.

31.01.2025

NCC : Yes / No
Index : Yes / No
jbr

TO:-

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L.VICTORIA GOWRI, J.

jbr

Order made in
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Dated
31.01.2025