

W.P.(MD).No.2394 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2394 of 2025

Deenadhayalan

... Petitioner

Vs.

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

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City,
Madurai District.
(Crime No.771 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 1st respondent to issue passport to the petitioner by processing his application in File No.MD1066925500524 within time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For R-1 : Mr.A.Srinivasan,
Central Government Standing Counsel

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



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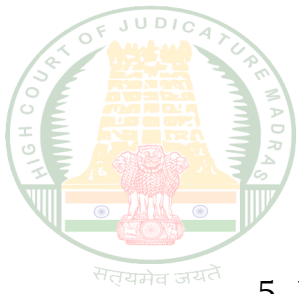
ORDER

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

2.This writ petition has been filed to direct the 1st respondent to issue passport to the petitioner by processing his application in File No.MD1066925500524.

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 and the same was taken on file in file No.MD1066925500524. On receipt of the same, the 1st respondent issued a show cause notice dated 12.11.2024 requiring the petitioner to explain with respect to the crime in Crime No.771 of 2023 which was registered against the petitioner by the 2nd respondent under Sections 341, 294(b), 323 and 506(1) of IPC. The petitioner appeared before the 1st respondent and explained. However, the petitioner's application for passport has not been acted upon so far. Hence, the present writ petition came to be filed.



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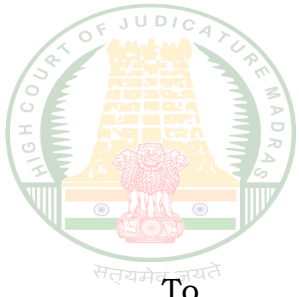
5. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the case of **W.Jaihar William Vs State of Tamil Nadu** reported in **2014 (2) CWC 684** has held that mere pendency of FIR cannot be construed as pendency 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 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.

28.01.2025

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



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L.VICTORIA GOWRI, J.

Sml

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