



W.P.(MD)No.3013 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3013 of 2025

C.Daev Mithran

: Petitioner

Vs.

1. The Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Madurai – 625 002.

2. The Sub-Inspector of Police,
Oomachikulam Police Station,
Madurai District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to issue the police verification report and the first respondent to issue the passport in File No.MD1077313749525 and ARN No.25-1000542171.

For Petitioner : Mr.R.Durgadevi

For Respondents : Mr.S.Paramasivam

Sr.Panel Counsel for R1



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Mr.K.Gnanasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 and 2 to issue the verification report and passport to the petitioner with regard to the Application Nos. MD1077313749525 and ARN No.25-1000542171.

2.The petitioner has submitted an application for the issuance of a passport, with the application number MD1077313749525. However, citing the pendency of FIR in Crime No. 44 of 2024 against the petitioner, the application remains pending without the issuance of a police verification report. Challenging this, the petitioner has filed this Writ Petition.

3. The learned Government Advocate for the second respondent submits that the said FIR has been closed as a “Mistake of Fact” and there is no impediment to issue the police verification report.



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4. Heard the learned counsels on either side and carefully perused the entire materials available on record.

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 the 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 dated 17.01.2025, for issuance of passport without reference to the FIR lodged against him and issue 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 eight weeks from the date of receipt of a copy of this order.



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7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

14.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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Ministry of External Affairs,
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Madurai – 625 002.
2. The Inspector of Police,
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VIVEK KUMAR SINGH, J.

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