



W.P.(MD)No.2888 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2888 of 2025

and WMP (MD) No.2032 of 2025

Manikandan

: 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,
Kenikkarai Police Station,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in File No. MD1077160933324 dated 18.12.2024 and reference No.SCN/320287693/2024, issue by the first respondent, quash the same as illegal and arbitrary and consequently, direct the first respondent to permit him to travel abroad.



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For Petitioner : Mr.K.Muthuvai Ilayaraja

For Respondents : Mr.G.Vidyamaheswaran

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (CrI.Side) for R2

ORDER

This writ petition has been filed challenging the impugned proceedings in File No.MD1077160933324, dated 18.12.2024, passed by the first respondent.

2.The petitioner has made an application for issuance of passport and the application Number is MD1077160933324. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 18.12.2024, required an explanation from the petitioner. Challenging the same, this Writ Petition is filed.

3. The learned Government Advocate for the second respondent would submit that the matter is still pending in FIR stage and has not resulted in filing a final 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 18.12.2024, 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 disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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