



W.P.(MD).No.3070 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3070 of 2025

Prakash

... Petitioner

Vs.

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

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.

3.The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.

4.The Inspector of Police,
Melur Police Station,
Madurai District.

... 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 the Passport to the petitioner in pursuant to the petitioner's application in File MD1077197529524 dated 10.12.2024.

For Petitioner : Mr.P.Surli Raja



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For R-1 : Mr.V.B.Sundhareshwar,
Central Government Standing Counsel

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

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 the Passport to the petitioner in pursuant to the petitioner's application in File No.MD1077197529524 dated 10.12.2024.

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

4.The petitioner applied for a passport vide application No.MD1076961571724 dated 10.12.2024. The 1st respondent issued a letter of communication dated 15.01.2025 that there are 3 criminal cases pending in crime No.275 of 2024 on the file of the Sivagangai Taluk Police Station, Crime No.238 of 2012 on the file of the Paramakudi Taluk Police Station and Crime No.520 of 2020 on the file of the Melur Police Station as per police



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verification report and the petitioner was informed to furnish clarification.

The petitioner duly appeared before the 1st respondent and explained that two criminal cases are pending in FIR stage itself and in Crime No.520 of 2020, charge sheet has been filed, however, the same was not taken on file.

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 a 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.



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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
Internet : Yes
Sml

To

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- 2.The Inspector of Police,
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- 3.The Inspector of Police,
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- 4.The Inspector of Police,
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L.VICTORIA GOWRI, J.

Sml

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