



W.P.(MD)No.3678 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3678 of 2025

Asina Begam Abdul Saththar

: 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,
Palani Town Police Station,
Palani, Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No. 1 to issue fresh Passport to the petitioner on the basis of the petitioner's Application in File No. MD1067206110524 dated 12.12.2024, within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Seeni Sulthan

For Respondents : Mr.R.Senthil Kumar

CGSC for R1



W.P.(MD)No.3678 of 2025

Mr.K.Gnanasekaran

Government Advocate (CrI.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to issue the passport to the petitioner in Application No.MD1067206110524 dated 12.12.2024, within the time stipulated by this Court.

2.The petitioner has made an application for issuance of passport and the application Number is MD1067206110524. While so, on receipt of adverse police verification report, the first respondent had closed the application of 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.



W.P.(MD)No.3678 of 2025

WEB COPY

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 12.12.2024, for issuance of passport without reference to the FIR lodged against her 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.



W.P.(MD)No.3678 of 2025

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



W.P.(MD)No.3678 of 2025

To

WEB COPY

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

2. The Inspector of Police,
Palani Town Police Station, Palani,
Dindigul District.



WEB COPY



W.P.(MD)No.3678 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.3678 of 2025

14.02.2025