



W.P.(MD)No.3741 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.3741 of 2025

Pragatheeswaran

: Petitioner

Vs.

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

2. The State of Tamil Nadu,
Rep. by, The Inspector of Police,
Devakottai Town Police Station,
Sivagangai 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. MD5067034263524 dated 17.10.2024, within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.A.P.Rajasimman



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CGSC for R1

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 first respondent to issue the passport to the petitioner in Application No.MD5067034263524 dated 17.10.2024, within the time stipulated by this Court.

2.The petitioner has made an application for issuance of passport and the application Number is MD5067034263524. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 25.10.2024, 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 17.10.2024, 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 allowed. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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