



W.P.(MD)No.3629 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3629 of 2025

John Prabhu

: Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Madurai.

2. The Inspector of Police,
ST Kulam Police Station,
Kanyakumari.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to re-issue / re-new petitioners Passport bearing No. M4951836 based on petitioners Application Reference No. 24-1011827527, upon considering petitioners representation dated 23.01.2025.



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For Petitioners : Mr. M.Dinesh Hari Sudarsan

For Respondents : Mr.K.Gnanasekaran

Government Advocate for R2

Mr.Pon Senthil Kumar for R1

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to re-issue the passport of the petitioner bearing No.M4951836 in Application No.24-1011827527 dated 23.01.2025, within the time stipulated by this Court.

2.The petitioner has made an application for renewal of passport and the application Number is MD1067210029724. While so, on receipt of adverse police verification report, the first respondent has not processed the application. 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 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 23.01.2025, for renewal 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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