



**W.P.(MD)No.3987 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.02.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.3987 of 2025**

Mohamed Badusha

... Petitioner

-VS-

1.The Regional Passport Officer,  
Regional Passport Office,  
New Municipal Complex,  
Thillainagar 7<sup>th</sup> Cross,  
Tiruchirappalli - 620 018.

2.The Inspector of Police,  
Manamelkudi Police Station,  
Pudukkottai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to reissue the passport to the petitioner in Application in File No.TR1077026322724, dated 15.10.2024, within the time stipulated by this Court.

For Petitioner : Mr.S.Gurumoorthy

For R1 : Mr.R.Ganesan  
Central Government Standing Counsel



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For R2

: Mr.K.Gnanasekaran  
Government Advocate (Criminal side)

**ORDER**

The petitioner has filed the Writ Petition seeking a direction to the first respondent to reissue the passport.

2. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner seeks issuance of passport. He has submitted an application dated 15.10.2024 before the jurisdictional passport officer, for issuance of passport and the application Number is TR1077026322724. Apprehending that it may not be processed in view of his involvement in a criminal case, the present Writ Petition came to be filed.

4. The learned Government Advocate (Criminal side) appearing for the second respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.



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5. Heard the learned counsels on either side and carefully perused the entire materials available on record.

6. 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.

7. In view of the same, the first respondent is hereby directed to consider the application of the petitioner dated 15.10.2024, for issuance his passport without reference to the FIR lodged against him and issue renewed 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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8. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No  
Index : Yes / No  
smn2

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To:-

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**VIVEK KUMAR SINGH, J.**

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