



W.P.(MD)No.5650 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5650 of 2025

Saraswathi

: Petitioner

Vs.

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

2. The Inspector of Police,
CBCID, South Police Station,
Madurai City.

(Crime No.03 of 2024)
(R2 is impleaded vide Court order dated.25.03.2025
in WMP(MD).6157/2025)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to reissue passport to the petitioner by considering the petitioners passport application in File No. MD1077274051725 dated 03.01.2025 within a stipulated period as prescribed by this Honourable court.

For Petitioner : Mr. R.Ramanujam

For Respondents : Mr.V.Malaiyendran



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DSGI for R1

Mr.K.Gnanasekaran

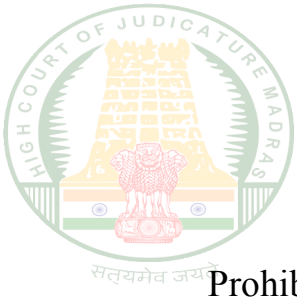
Government Advocate (Crl.Side)
for R2

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.MD1077274051725, dated 03.01.2025, within the time stipulated by this Court.

2.The petitioner has made an application dated 03.01.2025, for issuance of passport. While so, on receipt of adverse police verification report, the first respondent refused to issue the passport to the petitioner. Challenging the same, this Writ Petition is filed.

3. The learned Government Advocate for the second respondent submits that a case has been registered against the petitioner in Crime No. 798 of 2024 for offences under Sections 448, 120(b), 46, 420, 294(b), 506(i) of the IPC and Section 4 of the Tamil Nadu



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Prohibition of Charging Exorbitant Interest Act, 2023. The case is still at the FIR stage and has not resulted in the filing of a final report. However, since the petitioner is allegedly involved in an offence under the Exorbitant Interest Act, the petitioner is required to cooperate with the investigation and appear before the investigating officer as and when required.

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.



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6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner dated 03.01.2025, 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. It is further made clear that the petitioner shall cooperate with the investigation and appear before the investigating officer as and when required.

7. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

04.04.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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