



W.P.(MD).No.6408 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6408 of 2025

Kumaran

... Petitioner

-VS-

1. The Regional Passport Officer,
Office of the Regional Passport Officer,
Claret Plaza, Melakkarai Main Road,
Kochadai,
Madurai - 625 016.
2. The State of Tamil Nadu,
Represented By the Sub Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
3. The Secretary,
Office of the Embassy of India,
Riyadh,
Kingdom of Arabia.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to renew and re-issue the Passport to the petitioner's Principal/Father in his application vide File No.SAUR21143024 dated 16.07.2024 pending on the file of 1st respondent within a reasonable time.



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For Petitioner : Mr.H.Mahamed Hussain

For Respondents : Mr.S.Karthik (R1)

Central Govt. Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. Side)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 1st respondent to renew and re-issue the passport to the petitioner's Principal/Father in his application vide File No.SAUR21143024 dated 16.07.2024 pending on the file of 1st respondent within a reasonable time.”

2. The petitioner's principal / father has made an application in SAUR21143024 for issuance of passport and the application was forwarded to the first respondent and he also executed power of attorney in favour of the petitioner. While so, on receipt of adverse police verification report, it came to know that an FIR has been registered against the petitioner's principal / father. Hence, this Writ Petition came to be filed.



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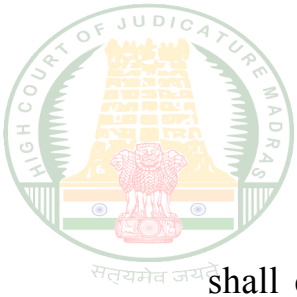
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3. The learned Government Advocate for the 2nd respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.

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's principal / father dated 16.07.2024, to issue passport without reference to the FIRs lodged against the petitioner's principal / father, if he is otherwise eligible for the same. The first respondent



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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.

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

21.03.2025

NCC : Yes/No
Index : Yes / No
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TO:-

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Madurai - 625 016.

2. The State of Tamil Nadu,
Represented By the Sub Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.6408 of 2025

Dated:
21.03.2025