



W.P.(MD)No.7030 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7030 of 2025

Murugesan

: Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thilainagar 7th Cross,
Tiruchirappalli - 620 018.

2. The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to reissue/renew the Passport bearing No.R1931586 to the Petitioner by proceeding his application in File No.TR1077185938324 based on the explanation/representation dated 19.02.2025, within a time limit stipulated by this Honourable Court .

For Petitioner : Mr. B.Anandan

For Respondents : Mr.G.Vidya Maheswaran



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CGSC for R1

Mr.K.Gunasekaran

Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first and second respondents to issue the passport to the petitioner in Application No.TR1077185938324, dated 19.02.2025, within the time stipulated by this Court.

2.The petitioner has made an application in File No. TR1077185938324, to renew his passport. However, upon receiving an adverse police verification report, the first respondent refused to issue the passport. Hence, this Writ Petition has been filed by the petitioner.

3. The learned Government Advocate 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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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. It is pertinent to state that Right to travel abroad is a “fundamental right”.

6. In view of the same, the first respondent is directed to consider the application of the petitioner dated 19.02.2025, 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.



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

19.03.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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