



W.P.(MD).No.7508 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7508 of 2025

Suresh

... Petitioner

-VS-

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

2. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Show Cause Notice issued by the 1st respondent by his proceedings Letter Ref No. SCN/320708425/25 dated 10.02.2025 and quash the same and consequently direct the 1st respondent to renew the petitioner's passport based on the petitioner's application file No. TR1077318368125 dated 20.01.2025.



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For Petitioner : Mr.K.Mahendran

For Respondents : Mr.B.Narayana Ram (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 Certiorarified Mandamus calling for the records relating to the impugned Show Cause Notice issued by the 1st respondent by his proceedings Letter Ref No. SCN/320708425/25 dated 10.02.2025 and quash the same and consequently direct the 1st respondent to renew the petitioner's passport based on the petitioner's application file No. TR1077318368125 dated 20.01.2025.”

2. The petitioner has made an application for issuance of passport and the application Number is TR1077318368125. While so, on receipt of adverse police verification report, the 1st respondent had issued a show cause notice, requiring an explanation from the petitioner. Hence, this Writ Petition came to be filed.



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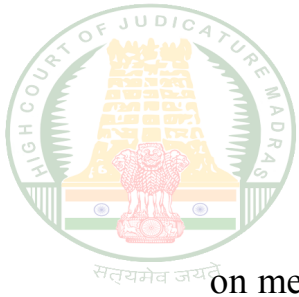
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3. The learned Government Advocate for the 2nd respondent would submit that the matter is still pending in FIR stage and has not culminated in filing a final report.

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 dated 20.01.2025, afresh, to issue passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first respondent shall comply with the said direction



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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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2. The Inspector of Police,
Madukkur Police Station,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.7508 of 2025

Dated:
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