



*W.P.(MD)No.8090 of 2025*

WEB COPY

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

**DATED: 26.03.2025**

**CORAM:**

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

**W.P.(MD)No.8090 of 2025**

Suresh Pandian

... Petitioner

vs.

1.The Regional Passport Officer,  
Madurai, Bharathi Ula Veethi,  
Racecourse Road,  
Madurai - 625 002, Tamil Nadu.

2.The State of Tamil Nadu,  
Represented by the Sub-Inspector of Police,  
Vadipatti Police Station, Madurai District.  
(Crime No.1805/2020)

... 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 the Passport (File Number: T3700593) to the petitioner pursuant to his application dated 17.12.2024, within a reasonable period to be determined by this Court.

For Petitioner : Mr.N.Dilip Kumar

For R1 : Ms.B.Deepa  
Central Government Standing Counsel



WEB COPY



*W.P.(MD)No.8090 of 2025*

For R2

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

**ORDER**

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to re-issue the passport to the petitioner pursuant to his application dated 17.12.2024.

2. The petitioner married Manju Priya on 12.12.2011. On 16.02.2019, she passed away due to cancer. After four years of his first wife's death, in 2023, the petitioner remarried Jebamani Indra. On 11.04.2023, he submitted an application along with the death certificate of his first wife, requesting the first respondent to re-issue passport after changing his spouse name. The said application was rejected, citing his involvement in a criminal case in Crime No.1805 of 2020, for the offences under Sections 3(1) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned Government Advocate (Criminal side) appearing for the second respondent would submit that the matter is still pending in F.I.R. stage.



*W.P.(MD)No.8090 of 2025*

WEB COPY

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 F.I.R. 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 an F.I.R. (First Information Report) cannot be construed as pendency of criminal proceedings unless a Judicial Magistrate takes cognizance of the offence after the filing of a charge sheet on completion of the investigation. The right to travel abroad is a fundamental right and any restriction on this right must be based on legal grounds and proper judicial proceedings.

6. In view of the same, the first respondent is hereby directed to consider the application of the petitioner dated 17.12.2024, for re-issuance of passport by adding the spouse name of the petitioner, without reference to the F.I.R. 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 six weeks from the date of receipt of a copy of this order.



*W.P.(MD)No.8090 of 2025*

7. With the above directions, this Writ Petition stands allowed.

WEB COPY

There shall be no order as to costs.

**26.03.2025**

Index : Yes / No

NCC : Yes / No

smn2

**Note:-** Issue order copy on 27.03.2025.



***W.P.(MD)No.8090 of 2025***

WEB COPY

To

- 1.The Regional Passport Officer,  
Madurai, Bharathi Ula Veethi,  
Racecourse Road,  
Madurai - 625 002, Tamil Nadu.
- 2.The Sub-Inspector of Police,  
Vadipatti Police Station,  
Madurai District.



WEB COPY



***W.P.(MD)No.8090 of 2025***

**VIVEK KUMAR SINGH, J.**

smn2

**W.P.(MD)No.8090 of 2025**

**26.03.2025**