



W.P.(MD)No.8814 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8814 of 2025

Suyambu Manthiramoorthi

: Petitioner

Vs.

1. The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Uila Veedhi,
Race Course Road,
Madurai.

2. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No. 1 to issue the Passport to the petitioner by considering the Application in File No. MD4066755007124 dated 06.08.2024 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.V.Murali Ganesh

CGSC for R1



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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 respondent to issue the passport to the petitioner in application No.MD4066755007124, dated 06.08.2024, within the time stipulated by this Court.

2.The petitioner submitted an application dated 06.08.2024 to the first respondent seeking for issuance of a passport. However, citing an FIR in Crime No.107 of 2024, the first respondent refused to issue the passport to the petitioner. Hence, the present Writ Petition has been filed, seeking a direction to the first respondent to issue the passport to the petitioner.

3. The learned Government Advocate appearing for the second respondent would submit that the said FIR has already been quashed by this Court vide order dated 21.01.2025 and as of now, there is no case pending against the petitioner.



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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 aforesaid proposition of law and also taking note of the fact that the FIR against the petitioner has been quashed by this Court, the first respondent is directed to consider the application of the petitioner dated 06.08.2024 and issue passport, if he is otherwise eligible for the same. It is also made clear that 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.

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Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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