



W.P.(MD)No.9184 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9184 of 2025

Abdul Buhari

: Petitioner

Vs.

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

2. The State Represented by
The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District,
In Crime No. 72 of 2024.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 14.03.2025 in File No. TR 1077342198925 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to permit the petitioner to hold the passport bearing No. C6832790 dated 27.01.2025.

For Petitioner : Mr.D.Ramesh Kumar



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For Respondents : Mr.K.Maharajan

CGSC for R1

Mr.K.Gnanasekaran

Government Advocate (Crl.Side)
for R2

ORDER

Challenging the objections raised in File No. TR 1077342198925, dated 14.03.2025, issued by the first respondent, the petitioner has filed the present writ petition.

2.The petitioner has made an application dated 27.01.2025, for issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a communication dated 14.03.2025, required an explanation from the petitioner. Challenging the same, this Writ Petition is filed.

3. The learned Government Advocate for the second respondent would submit that the matter is still pending in FIR stage and has not resulted 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. 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 27.01.2025, 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.

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Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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