



W.P.(MD) No.15066 of 2025

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C. SARAVANAN, J.

At the instance of the learned Central Government Standing Counsel appearing for the first respondent, the case is listed today under the caption 'for being mentioned'.

2. The learned Central Government Standing Counsel appearing for the first respondent submits that an Office Memorandum was issued on 10.10.2019, wherein steps have been prescribed for issuance of passports to applicants who may have criminal proceedings pending before a criminal court in India. He, therefore, submits that a necessary direction in this regard may be added in Paragraph 7 of the order dated 04.06.2025 passed by this Court in the above Writ Petition.

3. After hearing the learned counsel for the petitioner and the learned counsels for the respondents, and upon perusing the Office Memorandum in File No.VI/401/1/5/2019 issued by the Ministry of External Affairs, PSP Division, dated 10.10.2019, the following line shall be added at the end of Paragraph No.7 of the order dated 04.06.2025:



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“The passport shall be renewed as expeditiously as possible. The renewed passport shall be however sent directly to the case file in S.T.C.No.1424 of 2024, on the file of the Judicial Magistrate Court No. II, Virudhunagar. In case the petitioner proposes to travel abroad, he shall file an appropriate application for retrieving the same after furnishing adequate security. If such an application is filed, the same shall be disposed of on merits.”

4. The Registry is directed to carry out the above insertion and issue a fresh copy of the order to the parties.

26.06.2025

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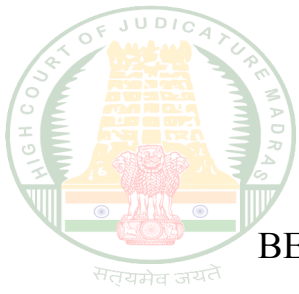
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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **04.06.2025**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15066 of 2025

K.Veerapandian

... Petitioner

/vs./

1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2.The Sub Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Letter Ref No.SCN/320284717/24 dated 17.12.2024 issued by the 1st Respondent and to quash the same as illegal and consequentially directing the 1st respondent to renew the passport of the petitioner.

For Petitioner	: Ms.P.Jessi Jeeva Priya
For R1	: Mr.K.Manikandan Central Government Standing Counsel
For R2	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)



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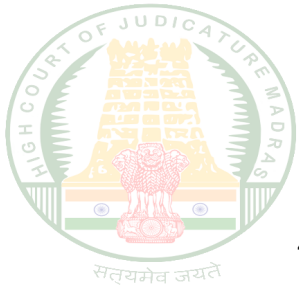
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ORDER

This writ petition has been filed to quash the impugned order, dated 17.12.2024, bearing Ref.No.SCN/320284717/24 of the first respondent/the Regional Passport Officer, Madurai.

2.By the impugned order, the first respondent has declined to renew the passport of the petitioner on the ground of pendency of a criminal case in Crime No.173 of 2023 registered under Section 337 IPC on the file of the Judicial Magistrate Court No.II, Virudhunagar in STC.No.1424 of 2024.

3.The learned Government Advocate (Crl.side) for the second respondent would submit that the petitioner has also been an accused in Crime Nos.319 of 2019 and 119 of 2021. However, he would fairly concede that the petitioner has been acquitted and later, the complaint has been quashed by this Court under Section 482 of the Code of Criminal Procedure.

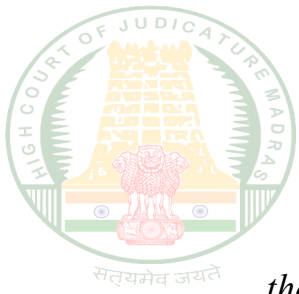


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4.It is submitted that as far as Crime No.173 of 2023, wherein the petitioner has been arrayed as second accused for the offence under Section 327 IPC, is concerned, a charge sheet has been framed and the case was directed to be listed on 09.06.2025 for appearance of the accused.

5.The learned counsel for the first respondent submits that the petitioner has not filed a copy of the order passed in STC.No.1424 of 2024. However, the learned counsel for the petitioner would submit that the aforesaid case is still pending before the Judicial Magistrate Court No.II, Virudhunagar.

6.By way of rejoinder, the learned counsel for the petitioner submits that mere pendency of a criminal case against a person would not stand as a ground for non-renewal of the passport. In this connection, a reference was made to the decision of the Division Bench of this Court in W.A.No. 902 of 2023 (*The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another*) dated 02.06.2023, wherein it has been held as follows:-



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“6.The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7.In the light of the above, we pass the following order: (i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending. (ii) Decision shall be taken as above, within one month.”

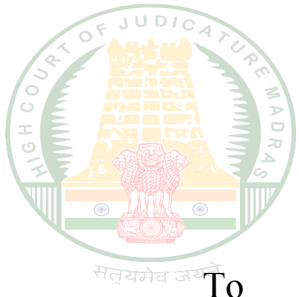
7.Having considered the submissions made by the learned counsel for the petitioner and the second respondent, I am of the view that the impugned order is un-sustainable. Therefore, the impugned order is quashed with a direction to the first respondent to renew the passport of the petitioner.

8.With the aforesaid directions, the Writ Petition stands allowed.

No costs.

Index : Yes / No
Internet : Yes / No
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To
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- 1.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.
- 2.The Sub Inspector of Police,
Soolakkarai Police Station,
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