

W.P.(MD)No.14000 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.14000 of 2025

Surenth

... Petitioner

Vs.

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

2.The State of Tamil Nadu,
The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District
In Crime No.229 of 2023.

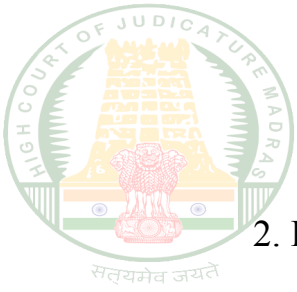
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the first respondent to re-issue the Passport based on the petitioner's application in File No.TR1077437145325 dated 15.03.2025.

For Petitioner : M/s.S.Prabha
For R1 : Mr.P.Sathish Kumar
For R2 : Mr.K.Gnanasekaran
Government Advocate(Crl.side)

ORDER

The petitioner seeks issuance of writ of mandamus to direct the first respondent to re-issue passport based on the petitioner's application dated 15.03.2025.



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2. Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Government Advocate (Crl.side) appearing for the second respondent.

3. Admittedly, the petitioner is only cited as an accused in First Information Report, which is pending in Crime No.229 of 2023. Final report has not been filed. This Court has repeatedly held that mere pendency of First Information Report will not preclude the passport authorities from considering the application made by any of the accused.

4. While dealing with the similar issue , this Court in **W.Jaihar William Vs. State of Tamil Nadu** reported in **2014(2) CWC 684**, 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.

5. In view of the judgment cited supra, this Court directs the first respondent to consider the petitioner's application for re-issuance of passport without reference to the pendency of FIR which is lodged against the petitioner and the petitioner is entitled to re-issuance of passport. The said exercise shall



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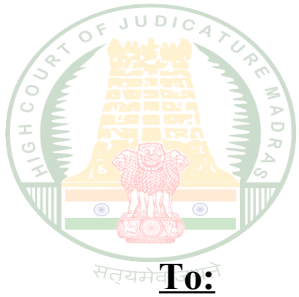
be carried out within a period of eight weeks from the date of receipt of a copy
of this order.

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6. With the above direction, this writ petition is disposed of. No costs.

08.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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P.B.BALAJI, J.

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