



W.P(MD)No.16245 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition(MD)No.16245 of 2025

M.Namakodi

..Petitioner

Vs.

1.The Regional Passport Officer,
Passport Seva Kendra,
New No.201/7D, Old No.201/7,
Medical College Road,
Next to Kumaran Cinema Theatre,
Thanjavur.

2.The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur District,
(Crime No.122/2024)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to issue passport to the petitioner by vide application No.TR1067389627325 dated 10.02.2025 within the time frame to be fixed by this court.



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For Petitioner : Mr.V.Muthu Kamatchi
For Respondents : Mr.A.Balaji
Central Govt. Standing Counsel (R1)

Mr.M.Vaikkam Karunanithi
(R2)

ORDER

The petitioner seeks a direction to the first respondent to issue a passport to him vide application No.TR1067389627325 dated 10.02.2025 within the stipulated time.

2. Mr.A.Balaji, learned Central Government Standing Counsel takes notice for the first respondent. Mr.M.Vaikkam Karunanithi, learned Government Advocate (criminal side) takes notice for the second respondent. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3. It is informed that the petitioner's application for issuance of a passport has been kept in abeyance in view of the pending investigation in Crime No.122 of 2024 for the offences under Section 294(b), 323, 324, 506(2) and 307 IPC, wherein the petitioner is an accused.



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4. Since the petitioner is an accused of a serious offence, the investigation is still pending. Therefore, there shall be a direction to the first respondent to issue the passport, as the investigation is not yet completed. However, the passport should be handed over to the second respondent to be returned to the petitioner subject to the final outcome of the proceedings initiated against the petitioner in Crime No.122 of 2024 on the file of the second respondent. The second respondent is directed to ensure that the investigation is completed as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

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

18.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

1.The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam,
Thanjavur District,
(Crime No.122/2024)



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The case is listed under the caption of “For Clarification” after the writ petition was disposed of on 18.06.2025.

2. The following paragraphs shall be included as Paragraph Nos. 3a, 3b, 3c and 4a in the order dated 18.06.2025 in W.P(MD)No.16245 of 2025.

3a.The learned Government Advocate for the second respondent submits that the charge sheet has been filed on 19.03.2025 electronically, which has been acknowledged in E.C.No. 202500100 before the Judicial Magistrate, Pattukottai. Therefore, charge sheet will be taken on file by the Judicial Magistrate, Pattukottai in due course.

3b.The learned counsel for the petitioner rely on the decision of this Court in the case of *W.Jaihar William Vs State of Tamil Nadu (2014 (2) CWC 684)*, wherein, the Court held that mere pendency of FIR cannot be construed as pendency of the criminal proceedings in respect of offence alleged to have been committed by



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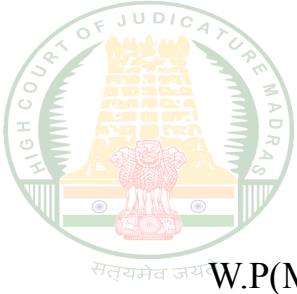
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the applicant before the criminal Court and that only after the Court takes the cognizance of the offences alleged to have been committed, as stipulated under Section 190 of Cr.P.C., can be construed as the proceedings are pending before the Court for the purpose of the Section 6 (2) F of the Passports Act, 1967.

3c.The learned Government Advocate for the second respondent rely on the decision of this Court in the case of ***Mohammed Hassn Buhari Vs. The Regional Transport Officer and others (W.P.No.5148 of 2025)***

4a.Considering the fact that the charge sheet has been filed in respect of the serious offences of which the petitioner has been accused and the charge sheet is yet to be taken on file, there can be no impediment for issuance of the passport to the petitioner. However, passport shall be handed over to the Judicial Magistrate, Pattukottai. It is for the petitioner to file a suitable application for issuance of passport before travelling abroad before the concerned Court.

3. The last line in Paragraph No.4 in the order dated 18.06.2025 in



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W.P(MD)No.16245 of 2025 shall be substituted as follows:

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“The Second respondent is directed to ensure that the investigation is completed as expeditiously as possible and the charge sheet will be taken on file within a period of two months from the date of receipt of a copy of this order.”

4. Registry is directed to carry out necessary correction in the order, dated 18.06.2025 in W.P(MD)No.16245 of 2025.

19.06.2025

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