



W.P.(MD) No.16532 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16532 of 2025

K.Karuppudurai

... Petitioner

Vs

1. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2. The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue passport to the petitioner, based on the petitioner's application No.MD1067553556525 and the explanation, dated 23.05.2025.



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For petitioner : No appearance

For respondents : Mr.B.Narayan Ram
Central Government Standing Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R2

ORDER

This Writ Petition is being disposed of at the time of admission with the consent of learned Central Government Standing Counsel for the first respondent and learned Government Advocate (Crl.Side) for the second respondent.

2. The petitioner is an accused No.28 in Crime No.286 of 2023 dated 11.09.2023, for the offences under Sections 143, 341 and 283 of IPC, wherein about 169 persons have been arrayed as accused.

3. The learned Government Advocate (Crl.Side) for the second respondent submits that the investigation of the case is completed and charge sheet has been filed and the same has not been taken on file by the learned Judicial Magistrate, Palani.



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4. It appears that the petitioner has also been issued with notice, dated 29.04.2025, wherein an adverse police verification has been referred to the aforesaid FIR, which was not taken on file.

5. It appears that the petitioner was also an accused in Crime No.465 of 2015 for the offences under Sections 279 and 304A of IPC, however, the petitioner was acquitted by the concerned Court in C.C.No.674 of 2016.

6. As per the Hon'ble Division Bench of this Court in the case of **Arumugam Vs. Regional Passport Officer (W.A.(MD)No.301 of 2018, dated 27.03.2018)**, it has been held as under:

8.A Single Bench of this Court (M.SATHYANARAYANAN, J.) has considered the similar issue and after placing reliance upon the following judgments:

- (i)1998 SCC Online Cal 181 : [1998] 2 Cal LT 415 [Shree Pradeed Kundalia V. Union of India and others];*
- (ii)2004 Crl.L.J. 1281 [Abhijit Sen Vs. Superintendent [Administration], Regional Passport Officer and others];*
- (iii)2014 SCC Online Mad 2900 [WP (MD) No.8343/2014 etc., batch dated 27.06.2014] [W.Jaihar William and others Vs. The State of Tamil Nadu rep. by its Secretary to Government, Home Department, Fort St George, Chennai 600 009];*
- (iv)AIR 1962 Cal 135 [A.K.Roy V. State of West Bengal];*
- (v)AIR 1957 Cal 379 [Parulbala Sen Gupta Vs. State]; and*
- (vi)AIR 1967 SC 1836 [Satwant Singh Sawhney v.*



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has concluded that mere pendency of the criminal proceedings cannot be construed as pendency of the criminal proceedings. The decisions relied on for reaching the said conclusion in the above cited decision, would also disclose that unless cognizance is taken by the concerned Magistrate, it does not amount to pendency of the criminal proceedings. Admittedly, in the case on hand, the case is in FIR stage and even for the sake of arguments, subsequently, the charge sheet has been filed, as on the date of submission of the application for passport, only FIR is pending and it cannot be construed as pendency of a criminal and it cannot be said that the petitioner has suppressed the material fact of pendency of the criminal case.

9.In the result, the writ appeal is disposed of and the respondent is directed to process the passport application No.MD2060772696117, submitted by the petitioner in accordance with law and communicate the decision taken to the petitioner with regard to the issuance of passport within a period of eight weeks from the date of receipt of a copy of this order. However, in the facts and circumstances of the case, there shall be no order as to costs.”

7. Further, as per the Hon'ble Division Bench of this Court in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another*** (W.A.No.902 of 2023, dated 02.06.2023), wherein it has been held as under:

“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



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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."

8. Since charge sheet has been filed, but has not been taken on file by the concerned Court, I see no impediments in directing the first respondent to issue the passport pursuant to the application filed by the petitioner, dated 15.04.2025. However, the passport shall be transmitted to the file of the said Court, where the case in FIR in Crime No.286 of 2023, dated 11.09.2023 in respect of which the charge sheet has been filed, but has not been taken on file, is pending.

9. It is open to the petitioner to move suitable application by releasing the passport from the said Court.

10. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

Internet : Yes / No

apd

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C.SARAVANAN, J.

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