



W.P.(MD) No.24789 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-09-2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

**WP(MD) No.24789 of 2025
and W.M.P(MD).No.19490 of 2025**

Balamasthan

... Petitioner

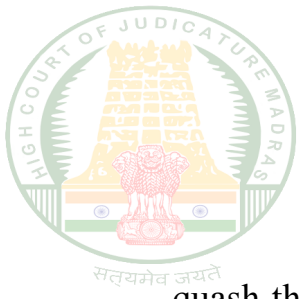
Vs

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Region,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2.The State rep., by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned clarification letter in Ref.No.SCN/1049952494/25 dated 28.08.2025 issued by the first respondent in File No.MD1084937884625 and



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quash the same as illegal and consequently direct the respondents to issue Police Clearance Certificate by considering the petitioner's application No. 25-1058683313 dated 08.08.2025 within a time frame as fixed by this Court.

For Petitioner	: Mr.S.Vashik Ali
For Respondents	: Mr.K.Govindarajan Deputy Solicitor General of India (for R1) Mr.S.Prakash Government Advocate (Crl.side) (for R2)

ORDER

This writ petition is filed to quash the order passed by the first respondent dated 28.08.2025 in Ref.No.SCN/1049952494/25, in and by which, the petitioner was called upon to provide a suitable explanation in response to the adverse police report received from the second respondent and further directs the petitioner to explain why the passport issued on 16.10.2024 should not be impounded.

2. It is the contention of the petitioner that he had pursued Marine Engineering course in the month of April-2020. In order to secure a job in abroad, he had applied for passport in the year 2024 and after scrutinizing the application, the first respondent had issued the passport bearing No.C3428203 on 16.10.2024 having a validity for 10 years i.e., up to 15.10.2034.

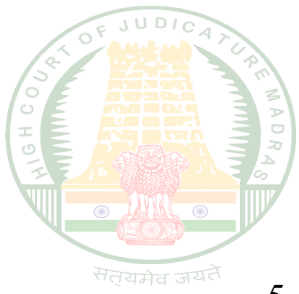


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3. The petitioner had attended an interview and got selected by a Kuwait based company, which made it mandatory that the petitioner should obtain a police clearance certificate in order to obtain an employment visa or work permit. The petitioner had therefore made an application to the first respondent to get police clearance certificate, pursuant to the same, he had also personally appeared before the first respondent and produced all the documents. He was informed that after obtaining the police verification report, he would be issued with the certificate. While he was waiting for the renewal of the passport, he has been slapped with the impugned order.

4. The petitioner would submit that FIR, which has been enclosed by the second respondent police, would show that he has been arrayed as the fourth respondent relating to an offence of wrongful restraint and extortion. The petitioner would submit that this is a false complaint and that to date, he has not received any warrant or summon. He relied upon the judgment of the Division Bench of this Court in the case of *Arumugam Vs., Regional Passport Officer*, W.A.(MD)No.301 of 2018, wherein it has been held that pending criminal case would not be a ground to refuse or even impound the passport. Therefore, the petitioner has come forward with the above writ petition.



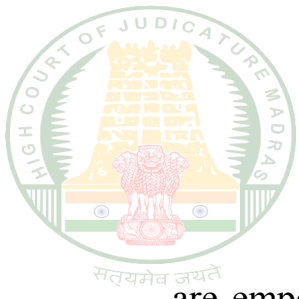
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5. It is also his case that he had obtained a passport on 16.10.2024 and the First Information Report has been registered after the issuance of the passport and attempt is made to impound the passport. He would further submit that there has been no suppression on his part while applying for the passport, as the FIR was registered on 20.10.2024 whereas his passport was issued earlier on 16.10.2024. Therefore, the petitioner relies on the above facts to seek quashing of the impugned order.

6. Heard the learned counsel on either side.

7. A perusal of the FIR reveals that the petitioner is accused of having blocked the complainant and his friend's vehicle and demanding money from them. The alleged incident is stated to have taken place on 19.10.2024. No doubt, after issuance of a passport to the petitioner, but the offence alleged is of a serious nature. Section 6 of the 'Passport Act, 1967' (hereinafter called as Act for brevity) prescribes the grounds, upon which, the issuance of a passport may be refused. One such ground includes the pendency of proceedings in respect of an offence before the criminal Court. In the instant case, FIR was lodged and the same is yet to be taken on file. Under Section 10(3)(b) of the Act, the authorities



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are empowered to vary, impound and revoke the passport if it is found that the passport was obtained by suppression of material information. The alleged offence occurred three days after the issuance of passport and the complaint against the petitioner is extortion and wrongful restraint. By the impugned order, the petitioner was called upon to provide an explanation. However, without submitting his explanation, the petitioner has approached this Court directly. The petitioner is therefore directed to submit his explanation in response to the impugned order. Upon receipt of the explanation, the first respondent shall consider the same. It is stated that the passport has now been impounded. With reference to the impounding of the passport, the petitioner has an alternative remedy available in the form of an appeal as contemplated under Section 11(1) of the Act r/w 14 of the Rules. Having failed to exhaust this remedy, the petitioner's approach to this Court is premature and is not maintainable. Accordingly, this Writ petition is dismissed. The petitioner is directed to take appropriate steps by filing of an appeal under Section 11 (1) of the Act. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

Rmk



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To

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- 2.The State rep., by
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P.T. ASHA,J.

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