



W.P.(MD)No.28044 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.28044 of 2024

Shanmugam

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar,
Trichy.

2. The Assistant Passport Officer,
Assistant Passport Office,
New No.201/7d, Old New 201/7,
Medical College Road,
Thanjavur - 613 004.

3. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents herein to re-issue/renewal of the petitioner's passport application No.24-1013826521, dated 14.11.2024 within the time stipulated by this Court.



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For Petitioner : Mr. B.Jameelarasu
For R-1 & R-2 : Mr.K.Sanakararaman
Central Government Standing Counsel
For R-3 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

This writ petition has been filed to direct the respondents to re-issue the passport to the petitioner based on his application for issuance of Indian Passport dated 14.11.2024 in application No.24-1013826521.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The petitioner has made an application in File No.24-1013826521, seeking re-issuance of a passport. While so, the first respondent has kept the petitioner's application for renewal on account of pending criminal case registered against him in Crime No.84 of 2019 on the file of the third respondent police. Hence, the Writ Petition is filed, to direct the respondents to issue the passport to the petitioner.

4. It is a settled proposition of law that a mere pendency of FIR cannot be a bar for consideration of claim for issuance of passport. This Court in the



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case of *W.Jaihar William Vs State of Tamil Nadu* reported in *2014 (2) CWC*

684 has held that mere pendency of FIR cannot be construed as pendency of criminal proceedings, unless Judicial Magistrate takes cognizance of offence, on filing of charge sheet on completion of investigation against the accused. Right to travel abroad is a fundamental right.

5. In view of the same, the first respondent is hereby directed to consider the application of the petitioner to re-issue his passport without reference to the FIRs lodged against him, if he is otherwise eligible for the same. The first respondent shall comply with the said direction on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

23.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

TO:-

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Order made in
W.P.(MD)No.28044 of 2024

Dated
23.01.2025