



W.P.(MD)No.30861 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2025**

CORAM:

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

W.P.(MD)No.30861 of 2024

Raja

... Petitioner

Vs.

1. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
New Municipal Complex,
Thillainagar,
Thiruchirappalli - 620 018.
2. The Superintendent of Police,
Pudukkottai District,
Pudukkottai District.
3. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
(Crime No.496 of 2012)
4. The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.215 of 2013)

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to re-issue passport to the petitioner and consider the petitioner's representation dated 15.11.2024 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Mohammad Kasim

For R-1 : Mr.R.Ganesh Kumar
Central Government Standing Counsel

For R-2 to R-4 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, to direct the first respondent to re-issue passport to the petitioner and consider the petitioner's representation dated 15.11.2024 and for other reliefs within a period stipulated by this Court.”

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



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3. The petitioner has made an application in File No.TR2076407038524, seeking re-issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued impugned order dated 04.06.2024 and 24.07.2024, directing him to appear before the authority seeking explanation regarding the cases registered against him in Crime Nos. 496 of 2012 and 215 of 2013 on the file of the third and fourth respondent police respectively. The case in Crime No.215 of 2013 on the file of the fourth respondent was closed and a closure report was filed before the learned Judicial Magistrate Court, Alangudi, and the same was accepted by the Court and an order was passed in the petitioner's favour on 30.09.2024. Now, the case in Crime No.496 of 2012, is pending and no final report has been filed by the third respondent till date. Hence, the Writ Petition is filed, to direct the first respondent 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 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.



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Right to travel abroad is a fundamental right.

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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 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.

06.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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TO:-

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L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.30861 of 2024

Dated
06.01.2025