



W.P.(MD)No.31120 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.01.2025**

CORAM:

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

W.P.(MD)No.31120 of 2024

Vinoth

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

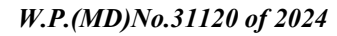
... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering his application dated 17.12.2024 in File No.MD1067219537924.

For Petitioner : Mr.A.V.Arun

For R-1 : Mr.M.Rajendran
Central Government Standing Counsel

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



The prayer in the Writ Petition reads as follows:-

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.MD1067219537924, seeking to issue a passport. The petitioner also appeared before the first respondent on 17.12.2024 and gave explanation regarding the case registered against him in Crime No.209 of 2022 on the file of the 2nd respondent police. 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*



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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 issue 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.

08.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

TO:-

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.
2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

Order made in
W.P.(MD)No.31120 of 2024

Dated
08.01.2025