



WEB COPY

WP No. 2298 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WP No. 2298 of 2026

C.Krishnamurthy

Petitioner

Vs

1. The Regional Passport Officer
Royala Towers, No.2 and 3, IV floor,
Old No.785, New No.158
Anna Salai, Chennai-600 002.

2.The Inspector of Police,
Central Crime Branch Team -II,
Vepery, Chennai.

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the explanation /representation dated 18.12.2025 of the petitioner and to issue Passport pursuant to his Application in Reference No.25-1062259916 in File No.MA.1065729177825 within a time stipulated by this Court.

For Petitioner: Mr.L.G.Sahadevan

For Respondents: Ms.R.Durga Rani,
Central Government Standing Counsel
for R1
Mr.L.Baskar,
Government Advocate (Crl. Side) for R2

ORDER

The petitioner has filed the above writ petition seeking a mandamus to the 1st respondent to consider the representation dated 18.12.2025 of the



petitioner and to issue Passport pursuant to his Application in Reference No.25-1062259916 in File No.MA.1065729177825 within a time stipulated by this Court.

2. It is the case of the petitioner that he had been residing at E53, Doshi Garden, Door No.174, NSK Salai, Vadapalani, Chennai – 600 026. He has submitted online Application before the respondent, requesting for issuance of Passport in Application Reference No.25-1062259916 in File No. MA.1065729177825. Thereafter an appointment was given to him on 06.10.2025, pursuant to which, he attended the enquiry on the said date and 26.11.2025. While he was awaiting his passport, the 1st respondent vide his letter dated 09.12.2025, called the petitioner to submit explanation with reference to Crime No.521/2015.

3. The petitioner would submit that in the said Crime No.521/2015, the 2nd respondent has filed Charge Sheet in C.C.No.1502 of 2020 before the XI Metropolitan Magistrate, Saidapet wherein the petitioner is arrayed as 2nd Accused. It is a case and case of counter. To quash the Charge sheet in C.C.No.1502 of 2020, the petitioner has filed Crl.O.P.No.5311 of 2021 and the same was dismissed, against which he filed SLP (Criminal) Diary No.42614 of 2024 before the Hon'ble Supreme Court of India wherein the Hon'ble Supreme Court had stayed all further proceedings in C.C.No.1502 of 2020 vide order



dated 09.12.2025. In this circumstance, the petitioner has filed his explanation / representation dated 18.12.2025 to issue Passport pursuant to his Application in Reference No.25-1062259916 in File No.MA.1065729177825 within a time stipulated by this Court. However the same has not been considered till date. Hence, this petition.

4. Heard the rival submissions of the counsels and this Court also perused the records.

5. The petitioner would submit that a mere pendency of criminal proceedings would not be a fetter for issuance of passport.

5. Heard the learned counsels on either side and perused the records.

6. The Division Benches of this Court had taken a conflicted decision with reference to issuance of passport pending criminal proceedings against the applicant in the following cases:

(i)WA.No.902 of 2023 dated 02.06.2023.

(ii)WA (MD).No.2282 of 2025 dated 26.08.2025.

Therefore, this Court had referred the matter for consideration by a Full Bench.



7. While so, in a recent judgement, in **2025 INSC 1476 – Mahesh Kumar Agarwal Vs. Union of India**, the Hon'ble Supreme Court held that denial of passport by quoting the provisions of Section 6 (2) (f) of the Passports Act, was erroneous, since the issue of passport is only a case of providing document for civil identity, whereas travel out of the country was a regulated activity. The right to allow or not to allow the accused person from traveling abroad vests with the Court, in which the criminal proceeding is pending. The Hon'ble Apex Court observed that the issuing authority is bound to issue passport and it does not possess any power to deny the issue of passport itself.

8. Therefore, this writ petition is allowed and the 1st respondent is directed to issue the passport to the petitioner after following the due procedures by considering the representation dated 18.12.2025. It is needless to state that for travelling abroad the petitioner has to obtain permission from the learned XI Metropolitan Magistrate, Saidapet, where CC.No.1502 of 2020 was pending. No costs.

27-01-2026

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

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