



WEB COPY

W.P.No.4948 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 4948 of 2026

Madheshwaran

...Petitioner

Vs.

1.The Regional Passport Officer,
Regional passport office,
Chennai Royala Towers No.2 and 3,
IV Floor, Old No.785 New no. 158,
Anna Salai,
Chennai-600002.

2. The Inspector of Police
Varanjaram Police Station,
Kallakurichi District.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 1st respondent to



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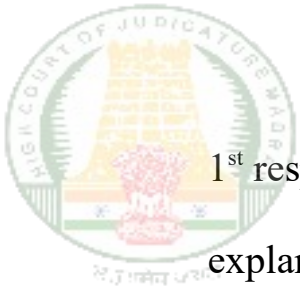
consider the petitioner's Application No.23-1000739037, dated:18.01.2023 file No.MAG065019302723 and to issue the passport in favor of petitioner within a time frame fixed by this Court.

For Petitioner : Mr. V.Gunasekar
For Respondent 1: Mr. K.K.Muralitharan
Central Government
Counsel
For Respondent 2: Mr. L.Baskaran
Government Advocate
(Criminal Side)

ORDER

This writ petition is filed seeking a writ of mandamus, directing the 1st respondent to consider the petitioner's application No.23-1000739037, dated:18.01.2023 file No.MAG065019302723 and to issue passport in favor of petitioner within a time frame fixed by this Court.

2. The petitioner made an application to the 1st respondent for issuance of passport in the month of January 2023. On 07.02.2023, the



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1st respondent sent a letter to the petitioner calling upon him to give an explanation with regard to FIR registered in Cr.No.109 of 2022 u/s 147, 148, 294 (b), 323, 324, 506 (ii) of IPC, against the petitioner. The petitioner would submit that it was a matrimonial dispute and he was trying to prevent the occurrence. However, a false complaint has been lodged against him. Therefore, the petitioner is before this Court.

3. The 2nd respondent has filed a status report stating that the said FIR has been taken cognizance by the learned Judicial Magistrate I, Kallakurichi in CC.No.121 of 2023.

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

5. 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



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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.

6. Therefore, this writ petition is disposed of and the 1st respondent is directed to issue passport to the petitioner after following the due procedures. It is needless to state that for traveling abroad the petitioner has to obtain permission from the learned Judicial Magistrate I, Kallakurichi, where CC.No.121 of 2023 is pending. No costs.

18.02.2026

Index : Yes/No
Internet : Yes/No

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