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WP No. 8573 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 8573 of 2026
and WMP No. 9254 of 2026**

Vasantha Kumar

Petitioner(s)

Vs

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

2.The Commissioner of Police
Avadi Commissionerate,
Thiruvallur 600054.

3.State Rep By
Inspector of Police,
B4 Sevvapet Police Station,
Thiruvallur 602205.

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the summon issued by the 1st respondent in File No.MA2076024646625 dated 20.12.2025 and Quash the Same and consequently direct the 1st respondent to reissue the passport within a time framed fixed by this Honble Court.

For Petitioner(s):	Mr.S.Sathish Kumar
For Respondent:	Mr.P.Ayyaswamy R1
	Mr.V.Meganathan,
	GA (Crl. Side) RR2 & 3

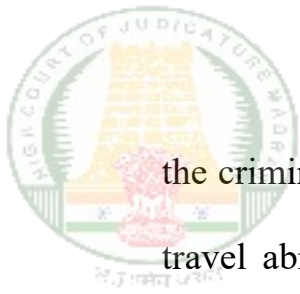


ORDER

This petition has been filed seeking to quash the summon issued by the 1st respondent dated 20.12.2025 and consequently direct the 1st respondent to reissue the passport within a time framed fixed by this Honble Court.

2. It is the case of the petitioner that the petitioner made application for renewal of passport on 03.12.2025. On 20.12.2025 the first respondent issue a show cause notice stating that the first respondent had received an adverse police verification report stating that *the applicant is involved in a case in Cr.No.60 of 2022 on the file of the third respondent*". The petitioner was arrested by the respondent police and subsequently, he was granted bail by this Court on 22.04.2022. The final report or charge sheet was not filed by the third respondent even after four years. The prosecution of the case is a theft case and the petitioner has been ranked as A11 and no heinous crime has been committed. Therefore, the petitioner's application is kept pending without any progress. Hence, the petitioner has filed the present writ petition challenging the said impugned show cause notice dated 20.12.2025.

3. The learned counsel for the petitioner submitted that the issue involved in the present Writ petition is no longer *res integra* and the similar issue has already been decided by the Hon'ble First Bench of this Court in WA. No.902/2023 dated 02.06.2023 wherein this Court held that mere pendency of



the criminal case is not a bar for renewal of the passport. If the person wants to travel abroad, he has to get necessary permission from the Court, where the criminal case is pending.

4. The learned counsel for the first respondent has not objected the submissions made by the learned counsel for the petitioner.

5. The learned Government Advocate for the second respondent submitted that there is no heinous offence against the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the fact that the petitioner has made application for renewal of passport and the same is kept pending without any progress. In this background, the learned counsel for the petitioner relied upon the decision rendered by the Hon'ble First Bench of this Court in WA.902 of 2023 dated 02.06.2023.

8. This Court perused the judgment passed by this Court and the relevant paragraphs are extracted herein;

*"5. A Division Bench of the Bombay High Court, in the case of **Abbas Hatimbhai Kagalwala v. State of Maharashtra and another, 2022 SCC OnLine Bom 1992**, to which one of us (S.V.Gangapurwala, CJ.) was a party, has followed the judgment of the Apex Court in the case of **Vangala Kasturi Rangacharyulu, supra***



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and directed the respondent therein to process the application of the petitioner for renewal of the passport.

6. The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7. In the light of the above, we pass the following order:

(i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending.

(ii) Decision shall be taken as above, within one month."

9. Since the present issue is also one and the similar, therefore, following the said Judgment of this Court, the following orders are passed:

"(i) The impugned show cause notice issued by the first respondent is set aside;

(ii) The first respondent is directed to process the application of the petitioner without insisting the permission of the Court, where



the criminal case is pending against the petitioner and decision shall be taken as above, within a period of four weeks from the date of receipt of a copy of this order.

(iii) If the petitioner wants to travel abroad, he has to get necessary permission from the Court where the criminal case is pending against him."

10. With the above observations and directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04-03-2026

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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