



W.P.(MD)No.14468 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.14468 of 2026

Rajaprabhu

.. Petitioner

- Vs. -

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Madurai 625 002.

2. The Inspector of Police,
S.S.Kottai Police Station,
Sivagangai.

. .. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice of the respondent dated 21.04.2026 in Letter Reference No.SCN/1054684919/26 and quash the same and consequently directing the respondent to issue the passport to the petitioner.



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For Petitioner : Mr.Arun Kumar

For Respondents : Mr.S.Selvakrishnan
Central Government Standing Counsel
for R1

: Mr.R.Mohamd Riyaz,
Government Advocate(Crl. side)

ORDER

The petitioner challenges the notice dated 21.04.2026 issued by the first respondent, whereby he was called upon to furnish an explanation regarding an adverse police verification report, along with relevant case records and original documents, for the purpose of processing his application for re-issuance of a passport.

2. The petitioner had submitted an application seeking re-issuance of his passport. However, the first respondent issued the impugned notice stating that a criminal case had been registered against the petitioner in Crime No.94 of 2024 for offences punishable under Sections 296(b), 74 and 303(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



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3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The power of the Passport Authority to refuse issuance or renewal of a passport is governed by the provisions of the Passports Act, 1967. Section 6 of the Act exhaustively enumerates the circumstances under which a passport may be refused. One of the grounds contemplated under Section 6(2)(f) is where proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.

5. In the present case, the sole reason assigned by the respondents for withholding consideration of the petitioner's application is the registration of an FIR in Crime No.94 of 2024. Admittedly, there is no material placed before this Court to show that any criminal proceedings are presently pending against the petitioner before a competent criminal court.



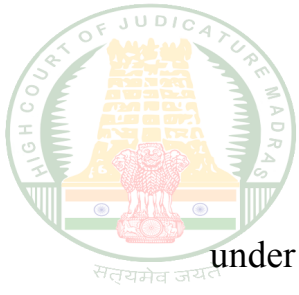
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6. It is well settled that mere registration of an FIR does not attract the disqualification contemplated under Section 6 of the Passports Act, 1967. The statutory embargo operates only when criminal proceedings are pending before a competent court. Therefore, the pendency of an investigation, by itself, cannot constitute a valid ground for refusing or indefinitely withholding the issuance or renewal of a passport.

7. In the absence of any proceedings pending before a criminal court, the action of the first respondent in withholding the petitioner's application solely on the basis of the registration of an FIR is contrary to the scheme and provisions of the Passports Act, 1967, and cannot be sustained in law.

8. Accordingly, the writ petition is allowed and the impugned notice dated 21.04.2026 issued by the first respondent is set aside. The first respondent is directed to process the petitioner's application for re-issuance of passport in File No. MD1076661950126 dated 09.04.2026 and pass appropriate orders thereon, subject to the petitioner satisfying all other statutory requirements and eligibility conditions prescribed



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under law.

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9. The aforesaid exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

10. There shall be no order as to costs.

Index :Yes / No
NCC :Yes / No
PJJ

02.06.2026

To

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2. The Inspector of Police,
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HEMANT CHANDANGOUDAR, J.

PJL

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