



W.P(md)No.26547 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.01.2026

Pronounced on : 09.02.2026

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**  
**AND**  
**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**  
**AND**  
**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**WP(MD)No.26547 of 2025**  
**and**  
**W.M.P(MD)No.20591 of 2025**

Jawahar Rajan

...Petitioner

Vs

1.The Regional Passport Officer,  
No.25, AGT Business Park,  
Avinashi Road,  
Civil Aerodrome Post,  
Coimbatore District.

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

....Respondents

**Prayer:** Writ Petitioner filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the impugned communication dated 11.09.2025 made in Letter Ref No.SCN/1050049601/25 in File No.CB1075601279425 issued by the 1<sup>st</sup> respondent and quash the same and consequential direct the 1<sup>st</sup> respondent to



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take steps to reissue the passport based on the renewal application submitted by the petitioner vide application No.25-1059701888(File No.CB1075601279425) dated 08.09.2025.

For Appellants : Mr.AL.Kannan,  
for M/s.S.Meena  
For R1 : Mr.AR.L.Sundaresan, ASGI,  
assisted by Mr.K.Govindarajan, ASGI,  
for Mr.M.Karthikeya Venkatachalapathy  
For R2 : Mr.A.Thiruvadikumar, APP,  
assisted by Mr.K.Gnanasekaran, G.A.,  
(Criminal Side)

### **ORDER**

**(Order of the Court was delivered by DR.G.JAYACHANDRAN,J.)**

Thiru. Jawahar Rajan, the petitioner herein holds Indian Passport bearing No: N8141097, which is valid upto 03.03.2026. He made an online application for re-issue of passport under TATKAAL scheme on 22.08.2025. In view of the adverse Police Verification Report (PVR), the Regional Passport Office, Coimbatore, vide communication dated 11.09.2025 sought explanation within 30 days from the petitioner regarding Cr.No.26 of 2021 on the file of District Crime Branch, Madurai for the offence under Sections 120B, 294(b), 406,420 IPC registered against the petitioner and others.

2.He has filed the above writ petition stating that, in response to the letter seeking clarification, he appeared and explained to the Officer concerned that the said complaint is a false complaint and he is ready to co-



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operate for the trial and has no intention to evade the clutches of the law. Despite the said explanation, the Regional Passport Officer has not processed the application hence, he prays for issuance of Writ of Certiorarified Mandamus to call for the impugned communication dated 11.09.2025 made in Letter Ref No.SCN/1050049601/25 in File No.CB1075601279425 issued by the 1<sup>st</sup> respondent and quash the same and consequential direction to the 1<sup>st</sup> respondent to take steps to reissue the passport based on the renewal application submitted by the petitioner vide application No. 25-1059701888(File No.CB1075601279425) dated 08.09.2025.

3.The learned Judge, in view of conflicting judgments rendered by two Division Benches of this Court, without going into the merits of the case referred the matter for decision by a Larger Bench. The Learned Judge has framed the question that requires consideration as below:-

*“ Whether the re-issue / renewal of the passport has to be treated by the Passport Officer in the same manner as the issuance of a fresh passport, or simpliciter a case of renewal”?*

4.The two judgments, which the learned Single Judge, had referred are:-



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1.W.A(MD)No.902 of 2023 dated 02.06.2023, (***Regional Passport Officer –vs- Samsudeen Mohamed Salih and another***). In this case, the learned single Judge directed the Regional Passport Officer to re-issue passport without insisting on prior permission from the court where the criminal case is pending against the writ petitioner. On appeal by the Regional Passport Officer, the Division Bench confirmed the writ court order with the following observation:-

*“ 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, without one month.”*

2).W.A(MD)No.2282 of 2025 dated 26.08.2025 (***Ganesan Kumaresan –vs- The Regional Passport Officer, Madurai and another***). In contrary to the judgement rendered in *Samsudeen Mohamed Salih's case(cited supra)*, the Division Bench of this Court held that prior permission of the Court, in which, the passport applicant facing trial of criminal case is mandatory for re-issuance of passport. The operative portion



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of the judgment in Ganesan Kumaresan case reads as under:-

*“The petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's business may suffer if he is denied the right to go abroad. The trial Court shall not deny relief unless there are extraordinary circumstances. Of course, the period of validity of passport will have to be restricted. It is also open to the trial judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner's absence from India. If necessary, the applicant can be directed to file an application under Section 228 of BNSS (Corresponding to Section 205 of Cr.P.C) by executing a special vakalat. Based on the order passed by the trial Court, the petitioner shall move the jurisdictional regional passport officer who shall dispose of the petition mentioned application in terms of the said order.”*

5.Though, in the above two judgments, the judgment of the Bombay High Court rendered in ***Abbas Hatimbhai Kagalwala –vs- State of Maharastra and another***, reported in ***2022 SCC Online Bombay 1992*** is referred, it is followed by the earlier Division Bench judgment rendered in W.A.No.902 of 2023, dated 02.06.2023, distinguished in the later judgment W.A(MD)No.2282 of 2025 dated 26.08.2025. However, the later Division



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Bench judgement does not refer about the earlier Division Bench judgement of this Court. Thus, according to the learned Single Judge there is conflicting judgments by this Court from Benches of equal strength, hence an authoritative pronouncement from a larger Bench is required.

6.In the case in hand, the writ petitioner's case is that, he is a business man carrying on business particularly in Colombo. On the eve of the expiry of his passport, he applied through online for renewal and the same was acknowledged by the Passport Authority and he was called for reporting on 08.09.2025. His application was not considered for renewal citing the police verification report was not clear. His further enquiry revealed that a false case has been registered against him by District Crime Branch (Madurai), Police Station in Crime No.26 of 2021 for offence under Sections 120(b), 294(b), 406 and 420 IPC and the same is pending before the learned Judicial Magistrate No.I, Madurai, in C.C.No.1730 of 2022. While applying for renewal of the passport, the computer operator has stated that there is no criminal case pending against him. During enquiry, he explained to the respondents regarding the nature of the criminal case pending against him. According to the writ petitioner, GRS 570(E) issued by the Ministry of External Affairs, New delhi, dated 25.08.1993 mandates permission from the Court concerned to depart India only if any proceeding of an offence pending



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before the Criminal Court. As far as his case is concerned, the trial not commenced, therefore his case cannot be treated as ‘proceedings pending before the criminal Court.

7.On facts, the contention of the petitioner is incorrect. The learned Additional Public Prosecutor clarified that the investigation in Crime No.26 of 2021 completed long back and the final report filed and taken cognisance by the concerned Judicial Magistrate in C.C.No.1730 of 2022. Some of the accused including the petitioner herein were absconding and therefore, the criminal trial could not be proceeded further and pending for framing charges. The Additional Public Prosecutor further submit that the notification of the Ministry of External Affairs, dated 25.08.1993 in GSR No.570(E) squarely apply to the case of the writ petitioner. Unless he gets prior permission from the Court in which the criminal case is pending against him, the Regional Passport Officer, the right petitioner cannot seek for Mandamus to re-issue passport .

8.Mr.ARL.Sundaresan, learned Additional Solicitor General appearing for the Regional Passport Officer / first Respondent submitted that the right of a citizen to seek passport either fresh or renewal is governed by the Passports Act and Rules. The right of locomotion within the territory of India



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is a fundamental right subject to reasonable restriction, whereas the right to travel abroad is not an unfettered right. As per section 5 of the Act, any person intent to go abroad to visit foreign country can apply for passport in the form prescribed. On receipt of the application, the Passport Authority, after making such inquiry subject to the other provisions of the Act, shall issue passport. Section 6(1) of the Act empowers the Passport Authority to refuse passport. The grounds on which the Passport Authority can refuse the issuance of Passport is enumerated in sub- section (2) of Section 6 of the Act. One of the ground to refuse passport is, proceedings in respect of offence alleged to have been committed by the applicant are pending before the criminal Court in India.

9.To mitigate the rigor of Section 6(2) (f) of the Act, the Government in exercise of its power under section 22 of the Act has issued notification GSR No.570(E) on 25.08.1993, wherein, exemption to Section 6(2)(f) is granted, if the applicant gets permission from the criminal Court where the proceedings is pending. Thus, the embargo for issuing fresh or renewal of the passport to the persons, who are facing proceedings in criminal Court is mitigated. The constitutional validity of Section 6(2)(f) of the Act is upheld by Court. The validity of GSR No.570(E) and the subquent Official Memorandum of the Ministry of External Affairs dated 10.10.2019 also been



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considered by the Hon'ble Supreme Court in ***Mahesh Kumar Agarwal -Vs - Union of India***, judgement dated 19.12.2025. Hence, the issue is no more *res integra*.

10.The learned Additional Solicitor General, referring Form EA (P) -1 which is prescribed under the Act for applying passport either fresh or after 10 years ie., renewal, submitted that in column 21, the applicant has to state whether any criminal proceedings against him in any Court in India and if so the details. In the case in hand, the criminal case against the applicant/writ petition is pending before learned Judicial Magistrate No:1, Madurai in C.C 1730 of 2022. Therefore, permission from that Court is necessary for issuance of passport.

11.Heard the submissions made by the respective learned Counsels. The records were carefully perused.

12.Prior to the enactment of the Passports Act, 1967 passports were issued by the Government in exercise of its Executive power to conduct foreign relations. Passport was considered to be essentially a political document. In ***Satwant Singh Sawhney –vs- Union of India (AIR 1967 SC 1836)***, the Hon'ble Supreme Court by majority held that the right to travel



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abroad is a part of a person's personal liberty of which he could not be deprived except according to procedure established by law in terms of Article 21 of the Constitution. Therefore, to regulate the departure from India of Citizens of India and other persons and for matters incidental or ancillary thereto Passports Act 1967 was enacted and notified on 24.06.1967.

13. For convenient reference, the provisions relevant for decision are extracted below:-

**Section 5.-Applications for passports, travel documents, etc., and orders thereon.-** 1[(1) An application for the issue of a passport under this Act for visiting such foreign country or countries (not being a named foreign country) as may be specified in the application may be made to the passport authority and shall be accompanied by 2 [Such fee as may be prescribed to meet the expenses incurred on special security paper, printing, lamination and other connected miscellaneous services in issuing passports and other travel documents].

**Explanation.-** In this section, "named foreign country" means such foreign country as the Central Government may, by rules made under this Act, specify in this behalf.

(1A) An application for the issue of-

(i) a passport under this Act for visiting a named foreign country; or

(ii) a travel document under this Act, for visiting such foreign country or countries (including a named foreign country) as



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*may be specified in the application or for an endorsement on the passport or travel document referred to in this section,*

*may be made to the passport authority and shall be accompanied by such fee (if any) not exceeding rupees fifty, as may be prescribed.*

*(1B) Every application under this section shall be in such form and contain such particulars as may be prescribed.]*

*(2) On receipt of an application 3 [under this section], the passport authority, after making such inquiry, if any. as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing,-*

*(a) issue the passport or travel documents with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of the foreign country or countries specified in the application; or*

*(b) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement, in respect of one or more of the foreign countries specified in the application and refuse to make an endorsement in respect of the other country or countries; or*

*(c) refuse to issue the passport or travel document or, as the case may be, refuse to make on the passport or travel document any endorsement.*

*(3) Where the passport authority makes an order under clause (b) or clause (c) of sub-section (2) on the application of any person, it shall record in writing a brief statement of its reasons for making such order and furnish to that person on demand a copy of the same*



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*unless in any case the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such copy.*

***Section 6.-Refusal of passports, travel documents. Etc.***

*(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and no other ground, namely: -*

*(a)that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India:*

*(b)that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;*

*(c)that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country,*

*(d)that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.*

*(2)Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -*

*(a)that the applicant is not a citizen of India.,*

*(b)that the applicant may, or is likely to, engage outside India*



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*in activities prejudicial to the sovereignty and integrity of India.,*

*(c)that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;*

*(d)that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;*

*(e)that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;*

***(f)that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;***

*(g)that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;*

*(h)that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;*

*(i)that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.*

### ***Section 9.-Conditions and forms of passports and travel***



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**documents**

*The conditions subject to which, and the form in which, a passport or travel document shall be issued or renewed shall be such as may be prescribed: Provided that different conditions and different forms may be prescribed for different classes of passports or travel documents or for different categories of passports or travel documents under each such class: Provided further that a passport or travel document may contain in addition, to the prescribed conditions such other conditions as the passport authority may, with the previous approval of the Central Government, impose in any particular case.*

**22. Power to exempt**

*Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,- (a) exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and (b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.*

14.GSR No.570(E) dated 25.08.1993 issued in exercise of power under Section 22 is intend to give relief to such applicants against whom criminal case pending in the Courts and it reads as below:-

**MINISTRY OF EXTERNAL AFFAIRS**



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**NOTIFICATION New Delhi, the 25th August, 1993**

*In exercise of the powers conferred by clause (a) of 11 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.GSR. 298(E), dated the 14th April, 1976, the Central Government, being tion of the Government of India in the Ministry of External Affairs opinion that it is necessary in public interest to do so, hereby exempls dmmitted by them are pendime before a criminal court in India and of India against whom proceedings in respect of an offence alleged fo de orders from the court concerned permitting them to depart from en the operation of the provisions of Clause (f) of sub-section (2) of of the said Act, subject to the following conditions, namely:-*

*(a) the passport to be issued to every such citizen shall be issued-*

*(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or*

*(ii)if no period either for the issue of the passport or for the travel abroad specified in such order, the passport shall be issued for a period one year;*

*(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or*

*(iv) if such order gives permission to travel abroad for a period ex-ceeding one year, and does not specify the*



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*validity of the pass-port, then the passport shall be issued for the period of travel abroad specified in the order.*

*(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or medified;*

*(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying further period of validity of the passport or specifying a period for travel abroad; a*

*(d) the said citizen shall give an undertaking in writing to the pass-port issuing authority that he shall, if required by the court con-cerned, appear before it at any time during the continuance in force of the passport so issued.”*

15.Taking into consideration that there are an increasing number of references being received regarding passport applications attracting Section 6(2)(f) of the Act, the Ministry of External Affairs issued OM dated 10.10.2019, which provides instructions to be adopted by the Passport Authorities while processing the passport applications in respect of those applicants, who may have criminal proceedings pending before the Criminal Courts in India. The instructions are :-

*“5.In view of the above, the following instructions may be adopted while processing the passport applications in respect of*



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*those applicants who may have criminal proceedings pending before a criminal Court in India.*

*(i) The provisions of GSR 570(E) may be strictly applied in all cases. OSR 570(E) is a statutory notification and hence forms part of the Rules. It is to be noted that as per Section 5(2) of the Passports Act, 1967, the passport authority shall by order in writing take a decision whether to issue or refuse a passport after making such inquiry, if any, as it may consider necessary. Moreover Section 7 of the Passports Act, provides that a passport or travel document may be issued for a shorter period than the prescribed period if the passport authority, for reasons to be communicated in writing to the applicant considers in any case that the passport or travel document should be issued for ordinary passport shall be in force for a period of 10 years which implies the a shorter period. Rule 12 of the Passport Rules, 1980 only states that an ordinary passport cannot be issued beyond a period of 10 years.*

*(ii) Whenever an applicant is submitting a 'No Objection Certificate (NOC) from a Court of law in India, the applicant should be advised that undertaking as per GSR 570(E) should be complete in all respects and should mention all the pending criminal cases against the applicant. The undertaking will have a note clearly stating that if any false or incomplete information is submitted by an applicant, then his passport application is liable to be rejected.*

*(iii) Extant instructions clearly lay down that such applications should be processed pre-Police Verification (PV)*



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*mode. "Pre-PV" would be mandatory in all cases of applications submitted with GSR 570(E) to ensure that the undertaking submitted by the applicant is properly matched with the criminal cases mentioned in the Police Verification Report (PVR) Hence, such applications should not be accepted under Tatkaal nor such applications be moved to "post-PV" mode or "No-PV" mode without proper justification and approval to be recorded in writing*

*(iv) If an undertaking is incomplete or misleading and the applicant is found to have suppressed details of other criminal cases against the applicant, a Show Cause Notice should be issued to the applicant and action initiated against that applicant as per provisions of Section 12 of the Passports Act, 1967. If information that an applicant has obtained a passport by making a false submission or by suppressing material facts comes to light after the passport has been issued, the passport may be impounded or revoked as per provision of Section 10(3) (b) of the Passports Act, 1967, after following the due procedure.*

*(v) In case where the first Police Verification(PV) is 'Adverse', secondary police verification may be generated. While a secondary PV is generated, it should be accompanied by a detailed letter seeking clarification regarding the pending criminal cases against the applicant and the status of these cases. Apart from generating secondary PVR, the passport officers may, if considered necessary, call for discreet enquiry through the police authorities by sending the Court order*



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*submitted by the applicant or even seek verification from other Government agencies/departments, as the case may be.*

*(vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.*

*(vii) If the details given in the police report and the undertaking submitted by the applicant are matching, then the 'No Objection Certificate' issued by a Court of law submitted by the applicant would take precedence over any 'Adverse' report submitted by the police. In such cases, the 'Adverse' report may be overruled with the written approval of the Passport Officer.*

*(viii) If the details given in the PVR and the undertaking submitted by the applicant are at variance, then a notice may be issued to the applicant calling for clarification and advising the applicant to submit details of all pending criminal cases as well as to submit a revised No Objection Certificate (NOC).*

*(ix) If it is brought to the notice of the authority that an applicant has criminal proceedings arrayed against applicant before several courts of law, then the applicant may be advised to get NOC from all the concerned court(s). Normally, the Court Order would make a mention of the cases pending against the*



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*applicant as well as the prayer made by the applicant. This may be examined along with the undertaking submitted by the applicant and complaints or other court orders, if any, that may have been received against the applicant.*

*(x)It may noted that GSR 570(E) only exempts an applicant from the operation of Section 6(2)(t) and none of the other sub-sections of Section 6(2) of the Passports Act, 1967.*

## **16.Conclusion:**

(i)The power to re-issue or renew a passport after expiry of its tenure is traceable to Section 5 of the Act. The restrictions contained in section 6(2) (f) of the Passport Act apply not only for fresh application, but also to re-issuance/renewal. The Act which provides the procedures and the conditions for issuance of passport afresh and for renewal of passport does not make any difference in respect of vital conditions, particularly the requirement of clearance when the applicant is facing criminal proceedings in criminal Court in India.

(ii)From the scheme of the Passports Act, Passports Rules, GSR 570 (E) dated 25.08.1993 and OM dated 10.10.2019, it is clear that the persons facing criminal proceedings are not absolutely disentitled to a passport. Though section 6(2)(f) of the Act empowers the Passport Officer to refuse passport to the applicant on the ground that the proceedings pending before



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criminal court in India, nonetheless through GSR No:570(E) dated 25.08.1993, relief granted. Further, noticing the increasing number of applications attracting Section 6(2)(f) of the Act, in OM dated 10.10.2019 instructions issued regarding the procedure to be adopted while processing the passport application in respect of those applicants who may have criminal proceedings pending before a criminal Court in India. Official Memorandum dated 10.10.2019 is an administrative restatement of the position under section 6(2)(f) of the Act.

(iii)A passport is a civil document that enables its holder to seek a visa, subject to other laws and orders, to cross international borders. Right of a person, who is on bail or facing trial or pending appeal may actually to leave the country is subject to the permission of the criminal Court, which can grant or withhold permission, impose conditions, insist on undertakings, or refuse leave altogether.

(iv)As observed by the Hon'ble Supreme Court in *Magesh Agarwal case*, the instructions issued in OM dated 10.10.2019 does not create a new regime. It reiterates that GSR No.570(E) must be “ strictly applied”, and explains the procedure where the criminal proceedings are pending.

(v)The expression ‘Criminal proceedings pending’ means the stage of



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taking cognizance of crime by the Criminal Court till the case attains finality.

This includes appeal against conviction or acquittal. In ***Vangalu Kasturi Rangacharyulu –vs- CBI***, the Hon'ble Supreme Court, when the Criminal appeal against conviction and sentence of one year pending before it for consideration, directed the Passport Authority to renew the passport stating that section 6(2)(f) only relates to situation where the applicant is facing trial in a criminal Court. With great respect and humility, we hold that the expression “criminal proceedings” used in section 6(2)(f) of Passports Act does not confine to trial stage alone. It includes the appellate stage also. In Vangala case, the Hon'ble Supreme Court directed to issue passport, in view of the peculiar fact that the criminal appeal was pending in the Supreme Court and the conviction was for one year.

17. In ***Garikapati Veeraya vs. N. Subbiah Choudhry & Ors. [AIR 1957 SCR 540]***, the Hon'ble Supreme Court had the occasion to consider the right of appeal and the consequences. The Apex Court opined:

*"(i) That the legal pursuit of a remedy, suit, appeal and second appeal are really but steps in a series of proceedings all connected by an intrinsic unity and are to be regarded as one legal proceeding.*

*(ii) The right of appeal is not a mere matter of procedure but is a substantive right.*



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*(iii) The institution of the suit carries with it the implication that all rights of appeal then in force are preserved to the parties thereto till the rest of the career of the suit.*

*(iv) The right of appeal is a vested right and such a right to enter the superior court accrues to the litigant and exists as on and from the date the lis commences and although it may be actually exercised when the adverse judgment is pronounced such right is to be governed by the law prevailing at the date of the institution of the suit or proceeding and not by the law that prevails at the date of its decision or at the date of the filing of the appeal.*

*(v) This vested right of appeal can be taken away only by a subsequent enactment, if it so provides expressly or by necessary intendment and not otherwise."*

The well laid legal proposition that an appeal is the continuation of trial is a general principle of law applicable both to civil and criminal cases.

18. Thus, the only grey area which needs clarification is the stage from the registration of FIR till taking cognizance by the criminal Court. The purpose of Police Verification Report is to ensure that any applicant for passport should not flee from the jurisdiction after committing crime. In case FIR is registered and the investigation is pending, the applicant is only a suspect named in the FIR. If the exemption under GSR 570(E) is not taken into consideration than the embargo under Section 6(2)(f) of the Act will not apply on him. However, in the police verification report, pending



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investigation will be exposed. Hence, exemption granted under Section 22 of the Act by way of GSR No.570(E) dated 25.08.1993 and OM dated 10.10.2019 has to be harmoniously understood and interpreted.

19.To ensure, persons suspected of heinous crime is prevented from fleeing as found in the instructions in OM dated 10.10.2019, if any FIR is registered against the applicant, the Investigating Officer has to furnish clearance mentioning the nature of the case and the stage of the investigation. It is for the Passport Authority to decide those applications based on the report. If the passport is declined with a speaking order, the same shall be subject to judicial review. In cases, where criminal proceedings pending that is cases where the Court taken cognizance pending trial or appeal the guidelines provided in the notification GSR 570(E) and the instructions provided in the Official Memorandum dated 10.10.2019 has to be scrupulously followed.

20.In fine, the question of reference is answered affirmatively that reissue / renewal of a passport has to be treated by the Passport Officer in the same manner as the issuance of a fresh passport. In other words, the rigor of Section 6(2)(f) of the Act subject to exemption under GSR 570(E) dated 25.08.1993 and the instructions in OM dated 10.10.2019 will apply to all



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applicants either as a fresh application or renewal / reissue.

21.Insofar as the case in hand, on the date of application for passport under TATKAAL scheme a criminal case against the writ petitioner pending trial before the Judicial Magistrate Court No.I, Madurai, in C.C.No.1730 of 2022, after taking cognizance. Therefore, he has to get prior permission of the Court concerned and submit the same along with his application, as contemplated under the Passport Act and Manual.

22.The issue under reference is answered accordingly and this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[G.J., J.] & [S.S.Y.,J.] & [K.K.R.K., J.]**  
**09.02.2026**

Index :Yes/No

Internet :Yes

Ns

To

- 1.The Regional Passport Officer,  
No.25, AGT Business Park,  
Avinashi Road,  
Civil Aerodrome Post,  
Coimbatore District.
- 2.The Inspector of Police,  
DCB Police Station,  
Madurai District.



*W.P(md)No.26547 of 2025*

**DR.G. JAYACHANDRAN, J.**  
**and**  
**S.SRIMATHY,J.**  
**AND**  
**K.K. RAMAKRISHNAN, J.**

Ns

**WP(MD)Nos.26547 of 2025**  
**and**  
**W.M.P(MD)No.20591 of 2025**

09.02.2026