

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27601 of 2019
and W.M.P.No.27107 of 2019

M.Sridhar

.. Petitioner

Vs.

1. The Regional Passport Officer,
Chennai Royala Towers,
No.2 and 3, IV Floor,
Old No.785, New No.158,
Anna Salai, Chennai - 600 002.
2. The Inspector of Police,
W25, All Women Police Station,
Mambalam, T.Nagar,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents to permit the petitioner to travel Abroad / Malaysia from 24.9.2019 to 29.9.2019 for the purpose of attend the Natchathira Kalai Vizha at Kuala Lumpur, Malaysia organized by the M/s. Chinnathirai Nadigar Sangam by considering the order dated 17.7.2019 passed in CrI.M.P.Nos. 9632 and 9633 of 2019 in CrI.O.P.No.18922 of 2019 by this Court.

For Petitioner : Mr.John Sathyam

For Respondents : Mr.B.Rabu Manohar
SCGSC for R1

Mr.C.Iyyapparaj
Additional Public Prosecutor for R2

ORDER

The prayer sought for in the present writ petition is for a direction to the respondents to grant permission to travel Abroad/Malasiya between 24.09.2019 to 29.09.2019 for the purpose of attending the Natchathira Kalai Vizha at Kuala Lumpur, Malaysia organized by the M/s. Chinnathirai Nadigar Sangam.

2.The 1st respondent herein had issued a show cause notice dated 28.08.2019 calling upon the petitioner to submit his explanation in connection with the suppression of the pendency of the criminal case against him in Crime No.1 of 2018. In view of this show cause notice, the petitioner apprehends that his travel to Malasiya may be prevented.

3.The learned counsel for the petitioner submitted that the criminal case in Crime No.01 of 2018 has culminated into framing of charges which has been taken on file in C.C.No.12130 of 2018 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai for the offences under Sections 354A(2), 509 and 34 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 109 of Cr.P.C. As against this charge sheet, the petitioner had filed a quash petition in Crl.O.P.No.18992 of 2019 before this Court and the criminal proceedings in CC.No.12310 of 2018 has been stayed by an order dated 17.07.2019. The learned counsel further submitted that petitioner has no intention to abscond and he is willing to co-operate with the criminal proceedings which are pending before this Court, subject to the final decision taken in the quash petition. The petitioner has also produced a copy of the return air tickets, enabling him to travel on 24.09.2019 at 11.45 am and return to India on 29.09.2019 at 9.25 am.

4.In my view, since this Court has formed a prima facie opinion on the validity of the charge sheet by granting interim orders. Owing to the stay granted, restraining the petitioner from traveling abroad may not be proper.

5.The Senior Central Government Standing Counsel submitted that there is a duty cast on the part of the respondent to disclose about the pendency of the criminal proceedings before the Regional Passport Officer and in the absence of the same, show cause notice has been properly issued.

6.I do not find any infirmity in such submission. Nevertheless, taking into account of the fact that the criminal case itself has been stayed, this Court is of the view that the petitioner could be permitted to travel to Malasiya between 24.09.2019 to 29.09.2019, for the purpose of attending the function.

7.In the light of the above observations, there shall be a direction to the respondents herein to permit the petitioner to travel to Malasiya between 24.09.2019 to 29.09.2019. The

petitioner shall file an affidavit duly before the Regional Passport Officer undertaking to return to India and on furnishing of such affidavit, the respondents herein shall not restrain the petitioner in any manner from traveling to Malasiya, by citing the pendency of the criminal case.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/bri

To

1. The Regional Passport Officer,
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2. The Inspector of Police,
W25, All Women Police Station,
Mambalam, T.Nagar,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+4 ccs to M/s.R.Subburaj, Advocate, S.R.No.80996

+1 cc to M/s.B.Rabu Manohar, Advocate, S.R.No.81045

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MR(CO)
SSM(20/09/2019)

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