



W.P.(MD)No.27645 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.27645 of 2024

H.Jasmine Priya

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Officer,
Bharathi Ula Veethi,
Racecourse Road,
Madurai – 625 002.

2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.387 of 2022

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 06.11.2024 and consequently direct the 1st respondent to renew the passport of the petitioner's husband namely Christhurajan George bearing Passport No.M4815062.

For Petitioner	: Mr.R.J.Karthick
For 1 st Respondent	: Mr.Narayan Ram Central Government Standing Counsel
For 2 nd Respondent	: Mr.K.Gnanasekaran Government Advocate (Crl)



W.P.(MD)No.27645 of 2024

ORDER

The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 06.11.2024 and consequently direct the 1st respondent to renew the passport of the petitioner's husband namely Christhurajan George bearing Passport No.M4815062.”

2.The petitioner's husband is the holder of passport No.M4815062 dated 19.01.2015, which is about to expire on 18.01.2015 and he is working in Omen. Hence, he applied for renewal of passport vide application No.OM0075353127124. The first respondent rejected the petitioner's request by stating that a FIR in Karungal Police Station in Crime No.387 of 2022 for the alleged offence under Sections 279 and 338 of IPC is pending against the petitioner. However, no order was passed against his request. Hence, this Writ Petition came to be filed.

3.The learned Government Advocate (Crl.) appearing for the 2nd respondent on instructions would submit that a criminal case in Crime No.387 of 2022 was culminated in laying a charge sheet in S.T.C.No.59 of 2023 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District.

4.Heard the learned counsel appearing for the petitioner, the



W.P.(MD)No.27645 of 2024

learned Senior Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondents 2 and 3 and carefully perused the entire materials available on record.

5.The petitioner is given liberty to move the learned Judicial Magistrate Court, Eraniel, 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 career and avocation may be at stake if he is denied the right to go abroad. Therefore, the learned Trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the learned 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 Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

6.Based on the order passed by the learned Trial Court, the petitioner shall move the jurisdictional Regional Passport Officer who shall dispose of the petition~mentioned application in terms of the said



W.P.(MD)No.27645 of 2024

order.

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7.This Writ Petition is allowed on these terms. There shall be no order as to costs.

22.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1.The Regional Passport Officer,
Regional Passport Officer,
Bharathi Ula Veethi,
Racecourse Road,
Madurai – 625 002.

2.The Inspector of Police,
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W.P.(MD)No.27645 of 2024

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.27645 of 2024

22.11.2024