



Crl.O.P.No.3405 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3405 of 2025

Gautam Matta

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police,
W4, All Women's Police Station,
Kilpauk, Chennai – 600 010.
(Crime No.08 of 2023)

2. Regional Passport Office,
Chennai Royal Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai – 600 002.

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the docket order dated 19.12.2024 passed by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai in Crl.M.P.SR.No.1306 of 2024 and direct the second respondent to issue a passport in favour of the petitioner.

For Petitioner : Mr.M.Mohammed Rafi

For Respondents

For R1 : Mr.A.Gopinath

Government Advocate (Crl. Side)

For Defacto complainant : Mr.Saravanan



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ORDER

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This petition has been filed challenging the docket order dated 19.12.2024, passed by the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, in Crl.M.P.SR.No.1306 of 2024 in C.C.No.26 of 2024, thereby returned the petition filed by the petitioner to re-issue his passport.

2. The petitioner is an accused in C.C.No.26 of 2024 and he is facing the charges for the offences punishable under Sections 498(A) & 120(b) of IPC, on the complaint lodged by his wife. The petitioner filed petition for divorce as against the defacto complainant viz., wife in H.M.O.P. No.2743 of 2023 and it is pending on the file of the learned IV Additional Judge, Family Court, Chennai. Similarly, the defacto complainant also filed petition for restitution of conjugal rights in H.M.O.P.SR.No.623 of 2024 and also lodged complaint under the Domestic Violence Act in D.V.C.No.137 of 2023 on the file of the Additional Mahila Court, Chennai and both are pending. Further, the defacto complainant lodged complaint and the same was registered in Crime No.08 of 2023 as against the petitioner. After completion of investigation, the first respondent filed final report and the same has been



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taken cognizance in C.C.No.26 of 2024 on the file of the learned

Additional Mahila Court, Egmore, Chennai.

3. While being so, the current passport of the petitioner got expired and therefore he filed an application for re-issuance passport before the second respondent. However, it was not considered by the second respondent for the reason that the petitioner is undergoing criminal proceedings before the Court below. Hence, the petitioner filed petition before the trial Court to direct the second respondent to reissue the petitioner's passport and same was returned by the trial Court. Hence, the petitioner filed the present petition.

4. Heard the learned counsel appearing on either side and the learned counsel appearing for defacto complainant and also perused the materials placed before this Court.

5. It is seen that the pendency of the case is not an impediment for the second respondent to reissue the passport, since it is only the right of the petitioner to renew his passport. Hence, the second respondent is directed to consider the application submitted by the petitioner for



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renewal of his passport, within a period of four weeks from the date of receipt of a copy of this Order. It is also made clear that if the petitioner wants to visit abroad, he shall approach the trial Court for seeking permission to go abroad and on receipt of the same, the trial Court is directed to consider the same in accordance with law.

6. With the above directions, the Criminal Original Petition stands disposed of.

10.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To
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1. The Metropolitan Magistrate,
Additional Mahila Court,
Egmore, Chennai
2. The Inspector of Police,
W4, All Women's Police Station,
Kilpauk, Chennai – 600 010.
3. Regional Passport Office,
Chennai Royal Towers No.2 & 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai – 600 002.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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