



W.P.No.17955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.17955 of 2024

Puvaneshwari

.. Petitioner

Versus

1. The Regional Passport Officer,
Royala Towers, No.2 and 3,
IV Floor, Old No.785, New No.158,
Anna Salai, Chennai - 600 002,
Tamil Nadu.
2. The Passport Officer,
Passport Seva Kendra,
C/o.Animal Husbandry Complex,
Maraimalai Adigal Salai,
Puducherry.
3. The State of Tamil Nadu,
by the Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

4. The Secretary,

<https://www.mhc.tn.gov.in/judis>



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Ministry of External Affairs,
Patiala House, Thilak Marg,
New Delhi - 110 001.

.. Respondents

(R4 Suo Motu impleaded dated 08.07.2024 made in
W.P.No.17955 of 2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents 1 and 2 herein to consider the petitioner's husband Passport application reference No.23-2004336940, dated 31.10.2023 and within a time frame fixed by this Court.

For Petitioner : M/s.S.Veera Santhi

For Respondents : Mr.V.Ashok Kumar,
Central Government Standing
Counsel
for RR-1, 2 and 4

: Dr.C.E.Pratap,
Government Advocate (Crl. Side),
for R3

ORDER

This Writ Petition is filed with a prayer of Writ of Mandamus

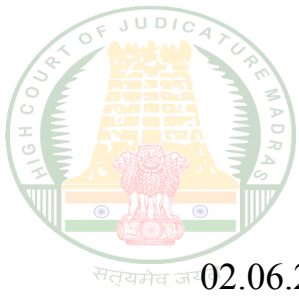


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directing the respondent Nos.1 and 2 to consider the petitioner's passport application with reference No.23-2004336940, dated 31.10.2023 within the time frame as fixed by this Court.

2. When the matter is taken up for hearing, it is brought to the notice of this Court that a case was registered against the petitioner's husband in Crime No.1182 of 2020 for the alleged offences under Sections 294(b), 352 and 506(2) of the Indian Penal Code and the case was investigated and now, the matter is pending in C.C.No.145 of 2021 on the file of the learned Judicial Magistrate, Vedaranyam. The Government of India, vide G.S.R.No.570(E), dated 25.08.1993, has held that if any person wants to depart from India and also with reference to issue of passport etc., that if a case is pending before a Criminal Court, he has to approach the Criminal Court and take a permission and thereafter, he can proceed abroad. The Division Bench of this Court, in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and Anr.***, in W.A..No.902 of 2023, dated



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02.06.2023, had an occasion to consider the same and had said that when the embargo is only for leaving abroad, the renewal of the passport or the issue of the passport need not be withheld for the pendency of the Criminal Case and only at the time of leaving abroad, the petitioner can take appropriate permission and leave. But, in this case, the petitioner is now living in Saudi Arabia. It is also stated that the passport expired with effect from 21.10.2023.

3. It can be seen that when persons like the petitioner are living in abroad for their avocations, normally, the concerned Criminal Courts will not deny the permission as the petitioner's livelihood is in question and it cannot be said that the petitioner will permanently flee justice.

4. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The petitioner shall apply before the appropriate Embassy



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authorities in Saudi Arabia and the authorities shall grant emergency one way travel permission for the petitioner to travel back to India;

(ii) Upon coming back to India, within one week from the date of arrival in India, the petitioner shall apply to the learned Judicial Magistrate, Vedaranyam, to take permission for him to leave abroad. The said application shall be considered by the learned Magistrate as expeditiously as possible;

(iii) Thereafter, with the permission, if any, granted, the petitioner shall make either a fresh application or make a representation along with copy of this order and the authorities shall reconsider the entire renewal and on an expeditious basis, renew the passport of the petitioner;

(iv) There shall be no order as to costs.

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Neutral Citation : no
grs



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D.BHARATHA CHAKRAVARTHY, J.

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