



W.P.(MD)No.560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.560 of 2025

S.Murali

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Trichy - 620018.

2. The Inspector of Police,
Civil Supplies CID,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to issue passport to the petitioner on the basis of his application dated 06.12.2024 pending in File No.TR2067192217524 before the 1st respondent by accepting his explanation within a time frame.

For Petitioner

: Mr.T.Leninkumar

For Respondents

: Mr.T.Mahendran (R1)

Central Government Standing Counsel

Mr.K.Gnanasekaran (R2)

Government Advocate (Crl. side)



W.P.(MD)No.560 of 2025

ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus directing the 1st respondent to issue passport to the petitioner on the basis of his application dated 06.12.2024 pending in File No.TR2067192217524 before the 1st respondent by accepting his explanation within a time frame.”

2. The petitioner made an application, seeking for issuance of passport by producing all necessary documents. The first respondent issued a communication dated 13.12.2024 directing him to appear before the authority seeking explanation about the case registered against him in Crime No.217 of 2019 on the file of the 2nd respondent police. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondent police on instructions would submit that criminal cases in Crime No.217 of 2019 has culminated in laying charge sheet before the learned Judicial Magistrate No.VI, Trichy.

4. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned



W.P.(MD)No.560 of 2025

Government Advocate appearing for the respondent police and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate No.VI, Trichy, 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 and the petitioner's career and vocation 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 such 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 in 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 order.



W.P.(MD)No.560 of 2025

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

09.01.2025

NCC : Yes / No
Index : Yes / No
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W.P.(MD)No.560 of 2025

TO:-

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Trichy.



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W.P.(MD)No.560 of 2025

L.VICTORIA GOWRI, J.

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Order made in
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Dated:
09.01.2025