



W.P.(MD)No.2605 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.01.2025**

CORAM:

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

W.P.(MD)No.2605 of 2025

and

W.M.P.(MD)No.1840 of 2025

R.Nishanth

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Ministry of External Affairs,
Government of India,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
Checkkanurani Police Station,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 1st Respondent in File No.MD1067148416924 Letter Ref. No.SCN/320225943/24 dated 10.12.2024 and quash the same as illegal and consequently direct the 1st Respondent to issue passport to the Petitioner based upon his Passport Application Form No.MD1067148416924 ARN. 24-1014133685 on 25.11.2024.



W.P.(MD)No.2605 of 2025

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For Petitioner : Mr.M.Kannan
For R-1 : Mr.M.Rajedran
Central Government Standing Counsel
For R-2 : Mr.K.Gnanasekaran
Government Advocate (Crl. side)

ORDER

Mr.M.Rajedran, learned Central Government Standing Counsel, takes notice for the first respondent and Mr.K.Gnanasekaran, learned Government Advocate (Criminal side), takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed to direct the 1st respondent to issue passport to the Petitioner based upon his Passport Application Form No.MD1067148416924 ARN.24-1014133685 on 25.11.2024.

3.The petitioner has made an application inForm No.MD1067148416924 ARN.24-1014133685, seeking for issuance of passport. While so, on receipt of adverse police verification report, the first respondent had issued a



W.P.(MD)No.2605 of 2025

communication on 10.12.2024, required an explanation from the petitioner.

Hence, the Writ Petition is filed, to direct the first respondent to issue the passport to the petitioner.

4. The learned Government Advocate (Crl.) appearing for the second respondent on instructions would submit that FIR in Crime No.18 of 2021 was registered by the second respondent under Sections 341, 294(b), 323, 324 and 506(ii) of IPC and the same culminated in laying a charge sheet in C.C.No.385 of 2021 before the learned Judicial Magistrate No.II, Usilampatty.

5. Heard the learned counsels on either sides and carefully perused the materials available on record.

6. The petitioner is given liberty to move the Judicial Magistrate Court No.II, Usilampatty, 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 trial Court unless there are extraordinary circumstances shall not deny relief. Of



W.P.(MD)No.2605 of 2025

course, the period of validity of passport will have to be restricted. It is also open to the 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 BNSS, 2023 by executing a special vakalat.

7. Based on the order passed by the 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.

8. The writ petition is allowed on these terms. There shall be no order as to the costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

NCC : Yes / No

Index : Yes / No

jbr



W.P.(MD)No.2605 of 2025

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W.P.(MD)No.2605 of 2025

L.VICTORIA GOWRI, J.

jbr

Order made in
W.P.(MD)No.2605 of 2025

Dated
29.01.2025