



W.P.(MD)Nos.3578 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.3578 of 2025
and W.M.P.(MD)No.2529 of 2025

Abitha Begam

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 620 018.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Pudukkottai,
Pudukkottai District.

3.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
(In Crime No. 378 of 2020).

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref. No. OBJ/319378609/24 dated 02.09.2024 passed by the Respondent No.1 and quash the same as illegal, consequently directing the Respondent No.1 to issue passport to the petitioner forthwith based on her application in File No.TR1066827600924 dated 08.08.2024.

For Petitioner : Mr.M.J.Ameer Hussain

For Respondents : Mr.K.Gnanasekaran,
Govt. Advocate (Crl. Side) for R2 & R3
Mr.T.Mahindran,
Central Govt. Standing Counsel for R1

ORDER

The petitioner herein submitted an application vide File No.TR1066827600924 for issuance of a fresh passport in 08.08.2024 along with relevant documents. Further, on consideration of the said application, respondent No.1 issued the impugned notice bringing the notice of the petitioner



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that a criminal case was registered against the petitioner vide Crime No.378 of 2020 under Section 294 b IPC, Section 67 of IT Act and Section 4 of TNPWH Act etc., through notice dated 02.09.2024, requiring the petitioner to explain the same. It is aggrieved by the said notice dated 02.09.2024, the petitioner approached this Court by filing the present Writ Petition.

2. Once a criminal case is registered against the petitioner, it is for the petitioner to explain the reasons for not disclosing about the said criminal case and also furnish the relevant no objection certificate or clearance from the concerned competent Court where the said criminal proceedings are pending against the petitioner. No doubt right to travel abroad is a fundamental right and the same cannot be prevented except in accordance with law. Unless the petitioner is issued with an Indian passport, the petitioner will not be in a position to travel abroad. Whether the criminal case pending against the petitioner is of serious in nature, whether the physical presence of the petitioner is required at the time of concluding the proceedings etc., are all the matters to be considered by the concerned Court/Judicial Magistrate, who is dealing with



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the criminal proceedings. Mere pendency of the criminal proceedings or FIR by itself shall not disentitle the petitioner from obtaining the passport for travelling abroad. Hence, in case of any pendency of such criminal proceedings or at the FIR stage, it is always open for the petitioner to approach the concerned Court / Judicial Magistrate bringing the necessity of petitioner to travel abroad and seek permission to travel abroad and then approach the respondent No.1 for issuance of a passport. It is also always open for the petitioner to make an application under Section 228 of BNSS, 2023 by executing a special vakalat.

3. As admittedly, a criminal case in Crime No.378 of 2020 was registered against the petitioner though not within the knowledge of the petitioner at the time of submitting the application before respondent No.1 and in the said crime, a charge sheet also stated to have been filed and the same was taken on record as C.C.No.339 of 2024, on the file of learned Judicial Magistrate, Manamelkudi, Pudukkottai District and the same is pending, the petitioner is at liberty to file an appropriate application seeking permission to travel abroad and then approach the respondent No.1 by submitting proper explanation in response to the



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impugned notice. In case, if any such application is filed, the concerned Court / Judicial Magistrate shall consider the same depending upon the seriousness of the crime, in which the petitioner is involved and dispose of the said application as expeditiously as possible at any rate, within a period of three weeks from the date of submission of such application. In case if the petitioner is granted permission to travel abroad, the respondent No.1 shall consider the application submitted by the petitioner for issuance of passport by duly taking into consideration the said permission and pass appropriate orders within a period of three weeks from the date of submission of explanation together with permission order from the concerned Judicial Magistrate Court.

4. Accordingly, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.02.2025

Neutral Citation: Yes / No
Index : Yes / No
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vsm

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