



W.P.(MD)No.4718 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4718 of 2025

Annadurai

... Petitioner

-VS-

1.The Regional Passport Officer,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
(In Crime No.383 of 2020)

3.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(In Crime No.233 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to re-issue passport to the petitioner, based on the petitioner's application in File Number. MD1077398217525, on the file of the first respondent, within a stipulated time to be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.A.Kuttalanathan
Central Government Standing Counsel

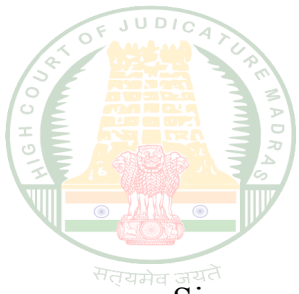
For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that, it may not be processed in view of his involvement in criminal cases, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 submitted that a criminal case has been registered against the petitioner in Crime No.383 of 2020 for the offences under Sections 294(b) and 506(i) of I.P.C., on the file of the second respondent and the same has culminated in laying a charge sheet in S.T.C.No.122 of 2022 before the Judicial Magistrate Court, Karaikudi,



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Sivagangai District. In addition to the above said case, the petitioner has involved in Crime No.233 of 2024 on the file of the third respondent for the offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 140(3), 329(4), 305(a) and 351(3) of the BNS, 2023.

4. In view of the above said submission, the petitioner is given liberty to move the trial Court 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 the 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 from India. If necessary, the applicant can be directed to file an application under Section 228 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by executing a special Vakalat.



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5. 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.

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

21.02.2025

To:-

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VIVEK KUMAR SINGH, J.

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