



W.P.(MD)No.5171 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5171 of 2025

and

W.M.P.(MD)No.3779 of 2025

P.Vimalkumar

... Petitioner

-VS-

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

2.The Inspector of Police,
All Women Police Station - Thilagar Thidal,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's Impugned Communication of E-Mail, dated 16.05.2024, in File No.SCN/317667405/24 and quash the same and consequently, direct the first respondent to issue passport to the petitioner in Application No. MD1076359942524 and for other reliefs, within the period as stipulated by this Court.



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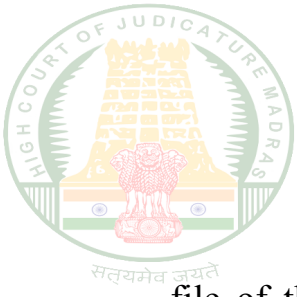
For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.K.Gokul
Central Government Standing Counsel
For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Further, the jurisdictional passport officer issued the impugned communication dated 16.05.2024, informing the petitioner to furnish either a case quash order or an NOC from the Court. Apprehending that it may not be processed in view of his involvement in criminal case, the present writ petition came to be filed.

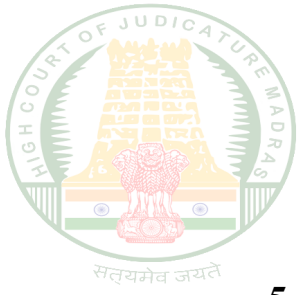
3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the second respondent submitted that a criminal case has been registered against the petitioner in Crime No.21 of 2022 for the offences under Sections 498(A), 354-A, 406 and 506(i) of I.P.C., on the



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file of the second respondent and the same has culminated in laying a charge sheet in C.C.No.568 of 2023 before the learned Judicial Magistrate, Additional Mahila Court, Madurai.

4. In view of the above said submissions, 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

26.02.2025

To:-

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VIVEK KUMAR SINGH, J.

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