



W.P.(MD)No.5317 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5317 of 2025

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: Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai District.

2. The Assistant Passport Officer,
Passport Office,
Tirunelveli.

3. The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
(Crime No.224/2024)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to issue the Police Clearance Certificate to the petitioner's passport in Passport No.C4962721 by disposing the petitioner's Online Application in Ref. No. MD2077105963724, 25-1001175925 on 29.01.2025 within the stipulated time fixed by this Hon'ble Court.



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For Petitioner : Mr.H.Elango

For Respondents : Mr.K.Govindarajan

DSGI for R1 & R2

Mr.K.Gnanasekaran

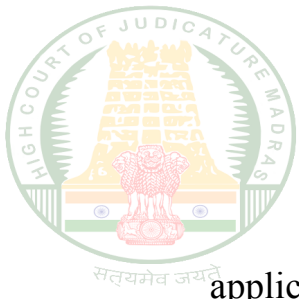
Government Advocate (CrI.Side) for R3

ORDER

This writ petition has been filed for issuance of a writ of mandamus, to direct the respondents to issue the “Police Clearance Certificate” to the petitioner's passport in Passport No.C4962721 by disposing his online application dated 29.01.2025.

2.The petitioner has made an application in Ref.No. MD2077105963724/25-1001175925, for issuance of police clearance certificate. However, upon receiving an adverse police verification report, the first respondent refused to issue the same. Hence, this Writ Petition has been filed by the petitioner.

3. The learned Deputy Solicitor General of India, appearing on behalf of the respondents 1 and 2, submitted that in order to obtain a police clearance certificate, the applicant is required to fill in a column regarding whether any criminal case is pending against them. If the



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applicant answers "YES," the system will not generate the police verification report.

4. The learned Government Advocate (Crl.) appearing for the third respondent, on instructions, submitted that Crime No.122 of 2025 culminated in laying charge sheet before the learned Judicial Magistrate No.III, Nagercoil.

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

6. The petitioner is given liberty to move the learned Judicial Magistrate No.III, Nagercoil, 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 learned Trial Court unless there are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the



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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 Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.

7. 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.

8. This Writ Petition is allowed on the above terms. There shall be no order as to costs.

27.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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