



W.P.(MD)No.6012 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6012 of 2025

Shiek Muthar Mydeen

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai - 2.

2.The Inspector of Police,
Panavadalichatram Police Station,
Tenkasi District.
(Crime No.97/2019)

3.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No. 66/2021)

... 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 his Application bearing File No.MD2077399464525 dated 12.02.2025 within the time stipulated by this Court.



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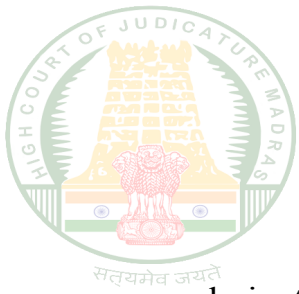
For Petitioner : Mr.M.Arikaran
For R1 : Mr.K.Gokul
Central Government Standing Counsel
For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

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.

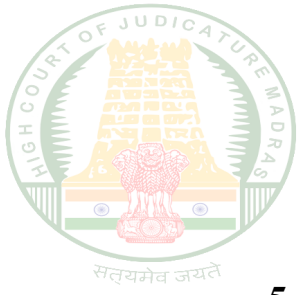
3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents 2 and 3 submitted that criminal cases have been registered against the petitioner in Crime No.97 of 2019 for the offences under Sections 279, 337 and 304(A) of I.P.C., on the file of the second respondent and in Crime No.66 of 2021 for the offences under Sections 279 and 304(A) of I.P.C. on the file of the third respondent and the same have



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culminated in laying charge sheets in C.C.No.122 of 2021 before the learned Judicial Magistrate, Sankarankovil, Tenkasi District and C.C.No.7 of 2022, before the learned Judicial Magistrate, Sivagiri, Tenkasi District, respectively.

4. In view of the above said submissions, the petitioner is given liberty to move the trial Courts 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 Judges 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 Courts 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 Judges 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 Courts, 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

07.03.2025

To:-

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