



W.P.(MD)No.6323 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6323 of 2025

Sahaya Vijin

... Petitioner

-VS-

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

2.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue fresh passport vide application in File No.MD2067257892124 dated 31.12.2024 by considering the petitioner's explanation dated 19.02.2025.

For Petitioner

: Mr.A.Balaji

For R1

: Mr.T.Mahendran
Central Government Standing Counsel

For R2

: Mr.K.Gnanasekaran
Government Advocate (Criminal side)



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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 third respondent submitted that criminal cases have been registered against the petitioner in Crime No.74 of 2021 for the offences under Sections 147, 148, 447, 294(b), 427, 323, 324 and 506(ii) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Crime No.40 of 2022 for the offences under Sections 147, 294(b), 323 and 506(i) of I.P.C. on the file of the second respondent and the same have culminated in laying charge sheets in C.C.No.971 of 2022 and e-filing No. 18009897/2024 before the Judicial Magistrate Court, Eraniel, Kanyakumari District.

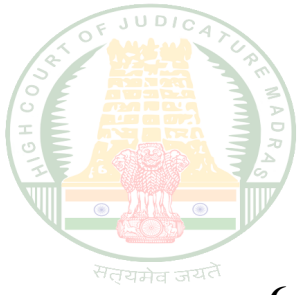


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4. In view of the above said submissions, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. 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.

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.



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

NCC : Yes / No

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Index : Yes / No

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To:-

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VIVEK KUMAR SINGH, J.

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