



W.P.(MD)No.6813 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6813 of 2025

and

W.M.P.(MD)No.5113 of 2025

Emil Jaison

... Petitioner

-VS-

1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course, Madurai – 625 002.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the files of the first respondent pertaining to its proceedings File No.MD2077267686125, dated 22.01.2025 and to quash the same and consequently, direct the first respondent to renew the passport bearing No.M5386045 and issue passport to the petitioner, within a stipulated time that may be fixed by this Court.

For Petitioner

: Mr.S.C.Herold Singh

For R1

: Mr.K.Govindarajan

Deputy Solicitor General of India



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For R2

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

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned proceedings of the first respondent dated 22.01.2025 and to issue passport to him. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a 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.131 of 2023 for the offences under Sections 147, 148, 294(b), 324 and 506(ii) of I.P.C., on the file of the second respondent and the same has culminated in laying a charge sheet in P.R.C.No.67 of 2024 before the Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District.

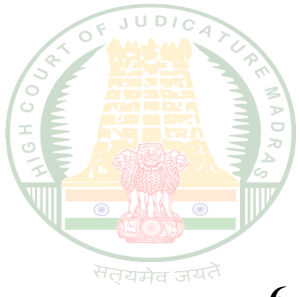


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4. In view of the above said submissions, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter.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

NCC : Yes / No
Index : Yes / No
smn2

14.03.2025

To:-

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