



W.P.(MD).No.7121 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7121 of 2025

and

W.M.P.(MD)Nos.5358 & 5361 of 2025

Bala Vengatesh

... Petitioner

-vs-

1. The Regional Passport Officer,
Office of the Regional Passport Officer,
New Municipal Complex, Thillainagar,
7th Cross, Trichy,
Tiruchirappalli District.

2. The Inspector of Police,
AWPS-Hosur Police Station,
Krishnagiri District.

3. The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st respondent letter Reference No.OBJ/319270837/24 dated 24.08.2024 and quash the same and subsequently direct the 1st respondent to issue passport to the petitioner.



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For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.S.Jeyasingh (R1)

Central Govt. Standing Counsel

Mr.K.Gnanasekaran (R2 & R3)

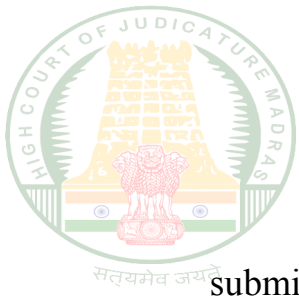
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed challenging the impugned order of the 1st respondent letter Reference No.OBJ/319270837/24 dated 24.08.2024 with a consequential direction to the 1st respondent to issue passport to the petitioner.

2. The petitioner is the holder of passport No.P9023853. On 09.10.2023, the petitioner made an application, seeking issuance of passport by producing all necessary documents. The first respondent passed the impugned order dated 24.08.2024 directing him to appear before the authority seeking explanation about the cases registered against him. Hence, the petitioner filed this writ petition seeking for the aforesaid relief.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.) appearing for the respondents 2 and 3 on instructions would



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submit that a criminal case is registered by Mathigiri Police Station in Crime No.389 of 2023 as against the petitioner and the same has culminated in laying a charge sheet in E-filing C-2025000169, dated 04.03.2024 before the learned Judicial Magistrate No.II, Hosur, Krishnagiri District. He would further submit that another criminal case is registered by AWPS-Hosur Police Station, Krishnagiri, in Crime No.75 of 2023, which is now in FIR stage.

4. Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel for the 1st respondent, the learned Government Advocate appearing for the respondents 2 and 3 and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate No.II, Hosur, Krishnagiri District 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 and 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 such relief. Of course, the period of validity of



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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 in 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.

6. Based on the order passed by the learned Judicial Magistrate No.II, Hosur, Krishnagiri District, the petitioner shall move the jurisdictional Regional Passport Officer, who shall dispose of the petition~mentioned application in terms of the said order.

7. This Writ Petition is allowed on the above terms and the impugned order in letter Reference No.OBJ/319270837/24 dated 24.08.2024 passed by the first respondent is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.7121 of 2025

Dated:
20.03.2025