



W.P.(MD)No.7751 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7751 of 2025

and

W.M.P.(MD)No.5878 of 2025

Muthu Vazhivittan Bose

... Petitioner

-VS-

1.Regional Passport Officer,
Regional Passport Office Madurai,
Race Course Road, Madurai.

2.The Superintendent of Police,
Ramanathapuram District.

3.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram.

... 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 file of the first respondent pertaining to the impugned proceedings in the letter vide Ref. No.SCN/320671753/25 dated 05.02.2025 and to quash the same as illegal and consequently to direct the first respondent to not to disturb the petitioner or not to take any steps to cancel the passport which was issued based on the petitioner's



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representation, which was given in person dated 03.03.2025 within the time that may be stipulated by this Court.

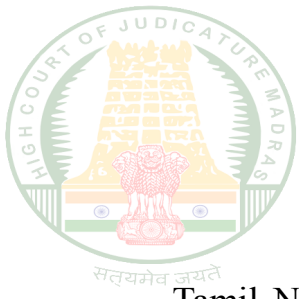
For Petitioner : Mr.S.Ramanathan
For R1 : Mr.C.Nandagopal
Central Government Standing Counsel
For R2 and R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned proceedings of the first respondent, dated 05.02.2025 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 respondents 2 and 3 submitted that a criminal case has been registered against the petitioner in Crime No.525 of 2020 for the offences under Sections 294(b) and 323 of I.P.C. and Section 4 of the



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Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the third respondent and the same has culminated in laying a charge sheet in C.C.No. 8 of 2022 before the Judicial Magistrate Court, Kamuthi, Ramanathapuram District.

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.



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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.

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

21.03.2025

To:-

- 1.The Regional Passport Officer,
Regional Passport Office Madurai,
Race Course Road, Madurai.
- 2.The Superintendent of Police,
Ramanathapuram District.
- 3.The Inspector of Police,
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VIVEK KUMAR SINGH, J.

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