



W.P.(MD)No.8285 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8285 of 2025

Prabu Karupalagan

... Petitioner

-VS-

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

2.The Inspector of Police,
Kennikarai Police Station,
Ramanathapuram 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 a passport to the petitioner pursuant to the petitioner's application dated 21.11.2024, bearing file Number MD 1067153391324, within a time frame as may be stipulated by this Court.

For Petitioner

: Mr.K.Muthuvai Ilayaraja

For R1

: Mr.G.Vidya Maheswaran
Central Government Standing Counsel



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For R2

: 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 second respondent submitted that a criminal case has been registered against the petitioner in Crime No.162 of 2024 for the offences under Sections 294(b), 323, 324 and 506(i) of I.P.C., on the file of the second respondent and the same has culminated in laying a charge sheet in C.C.No.331 of 2024 before the Judicial Magistrate Court No.II, Ramanathapuram. Furthermore, a case in Crime No.429 of 2020 registered against the petitioner for the offences under Sections 294(b), 323, 324, 427 and 506(ii) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of

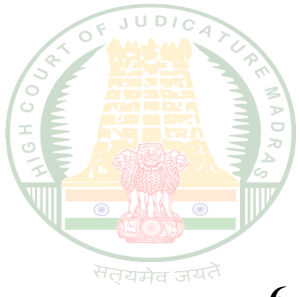


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Women Act, 2002 on the file of the second respondent Police, is pending at the F.I.R. stage.

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
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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