



W.P.(MD)No.8292 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8292 of 2025

and

W.M.P.(MD)No.6217 of 2025

K.Ganesan Karuppiah

... Petitioner

-VS-

1.The Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai – 625002.

2.The Inspector of Police,
Sakkootai Police Station,
Sivagangai 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 pertaining to the impugned proceedings issued by the first respondent in File No. MD1075425165523 in Letter Ref No.SCN/320681621/25 dated 06.02.2025 and quash the same as illegal and consequently, direct the first respondent to re-issue the passport to the petitioner.

For Petitioner

: Mr.P.T.Ramesh Raja

For R1

: Mr.S.Pon Senthil Kumaran
Central Government Standing Counsel



W.P.(MD)No.8292 of 2025

WEB COPY

For R2

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

ORDER

Heard both sides.

2. The petitioner seeks to quash the proceedings of the first respondent, dated 06.02.2025 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 second respondent submitted that a criminal case has been registered against the petitioner in Crime No.168 of 2019 for the offences under Sections 147, 148, 341, 294(b), 323, 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 C.C.No.1260 of 2022 before the Judicial Magistrate Court, Karaikudi, Sivagangai District.

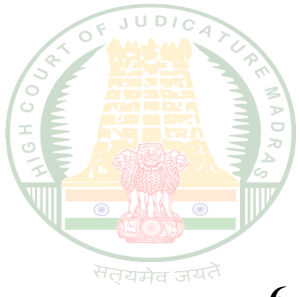


W.P.(MD)No.8292 of 2025

WEB COPY

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.



W.P.(MD)No.8292 of 2025

WEB COPY

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

26.03.2025

To:-

1.The Regional Passport Officer,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai – 625002.

2.The Inspector of Police,
Sakkootai Police Station,
Sivagangai District.



WEB COPY



W.P.(MD)No.8292 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.8292 of 2025

26.03.2025