



W.P.(MD)No.9418 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9418 of 2025

Gopalakrishnan

: Petitioner

Vs.

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

2. The Inspector of Police,
Teppakulam Police Station,
Madurai City.
Cr.No.674/2015.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to re-issue the passport of the petitioner in pursuant to his application pending in file No.MD1077217346724, dated 17.12.2024, within the period stipulated by this Honourable Court.

For Petitioner : Mr.N.Sathish Babu



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For Respondents : Mr.M.Mahenda Prabhu

CGSC for R1

Mr.K.Gnanasekaran

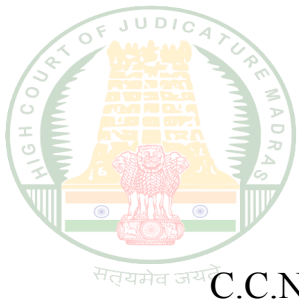
Government Advocate (Crl.Side) for R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus, directing the first respondent to re-issue the petitioner's passport vide Passport Application file No. MD1077217346724.

2.The petitioner has made an application in File No. MD1077217346724, for re-issuance of passport. However, upon receiving an adverse police verification report, the first respondent refused to issue the passport. Hence, this Writ Petition has been filed by the petitioner.

3. The learned Government Advocate (Crl.) appearing for the second respondent, on instructions, submitted that there are three cases registered against the petitioner. Of these cases, two cases in Crime Nos.550 of 2024 and 674 of 2015 culminated in laying charge sheet in



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C.C.No.2390 of 2024 and C.C.No.2261 of 2022, before the learned Judicial Magistrate No.1, Madurai.

4. Heard the learned counsels on either side and carefully perused the entire materials available on record.

5. The petitioner is given liberty to move the learned Judicial Magistrate No.1, Madurai, 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 learned Trial Court unless there are extraordinary circumstances shall not deny 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 Bharatiya Nyaya Suraksha Sanhita, 2023, by executing a special vakalat.



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6. Based on the order passed by the learned 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.

7. This Writ Petition is allowed on these terms. There shall be no order as to costs.

07.04.2025

Index : Yes / No

Internet : Yes / No

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3. The learned Judicial Magistrate No.1, Madurai.



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VIVEK KUMAR SINGH, J.

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