



W.P.(MD)No.10390 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10390 of 2025

Srinivasan

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar, 7th Cross,
Tiruchirappalli - 620 018
Tamil Nadu.

2.The Superintendent Enquiry Officer,
The Regional Passport Office,
2nd Floor, Corporation Complex Building,
7th Cross Street, West Thillai Nagar, Trichy,
Tamil Nadu.

3.The Inspector of Police,
Perambur Police Station,
Mayiladuthurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to re-issue passport to the petitioner by considering the petitioner's application dated 22.02.2025 in application No.TR1067326644525, based on his reply, dated 05.03.2025.



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For Petitioner : Mr.C.Susikumar
For R1 and R2 : Mr.P.Santhoshkumar
Central Government Standing Counsel
For R3 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

Heard both sides.

2. The petitioner seeks re-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 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 third respondent submitted that a criminal case has been registered against the petitioner in Crime No.209 of 2022 for the offences under Sections 279 and 304(A) of I.P.C., on the file of the third respondent and the same has culminated in laying a final report before the Judicial Magistrate Court, Thiruchampalli, Mayiladuthurai District, through e-filing [C.202500052] and the same is yet to be taken on file.

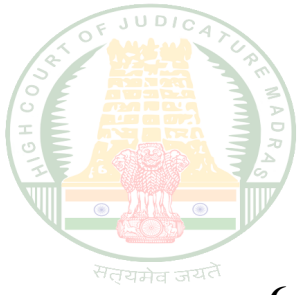


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4. In view of the above said submissions, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. 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

21.04.2025

Index : Yes / No

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