



W.P.(MD)No.12007 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12007 of 2025

Abdul Majith

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Trichy New Corporation Campus,
Thilai Nagar, Trichy District.

2.The Commissioner of Police,
O/o. Commissioner of Police,
Trichy District.

3.The Inspector of Police,
Cantonment Police Station, Trichy District.

4.The Inspector of Police,
TIW South Police Station, Trichy 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 the passport to the petitioner in application File No.TR2077219298924, based on the petitioner's representation dated 07.04.2025.



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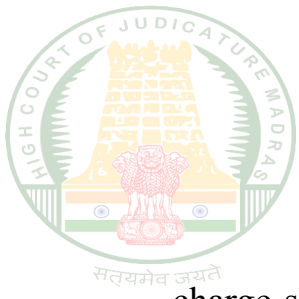
For Petitioner : Mr.A.Mohamed Asif
For R1 : Mr.D.M.Balakrishnan
Central Government Standing Counsel
For R2 to R4 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

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 respondents 2 to 4 submitted that two criminal cases have been registered against the petitioner in Crime No.586 of 2018 for the offences under Sections 143, 341, 290 and 285 of I.P.C. and Section 41 of the Tamil Nadu City Police Act, 1888, on the file of the third respondent and Crime No.131 of 2019 for the offences under Sections 279, 337 and 304-A of I.P.C. on the file of the fourth respondent and the same have culminated in laying

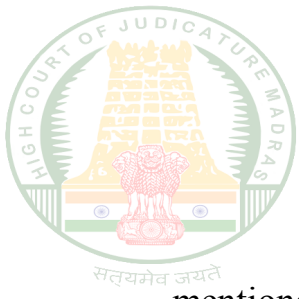


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charge sheets in C.C.No.526 of 2018 before the Judicial Magistrate Court No.II, Trichy and C.C.No.750 of 2020 before the Judicial Magistrate Court No.V, Trichy, respectively.

4. In view of the above said submissions, the petitioner is given liberty to move the trial Courts 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 Judges 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 Courts 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 Judges 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 Courts, the petitioner shall move the jurisdictional regional passport officer, who shall dispose of the petition-



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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
smn2

25.04.2025

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VIVEK KUMAR SINGH, J.

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