



W.P.(MD)No.12621 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12621 of 2025

M.Arivarasu

... Petitioner

-VS-

1.The Officer-in-Charge,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625002.

2.The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(Crime No.189/2024 and S.T.C.No.280 of 2025)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to close the proceedings initiated under show cause notice dated 05.11.2024 with regard to the status of the petitioner's new Passport bearing Passport No.Z8093213 and the corresponding File No.MD1077079163924, by considering the petitioner's representation dated 19.04.2025 within a time frame as fixed by this Court.

For Petitioner : Mr.I.Suthakaran



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For R1

: Mr.P.Veerapandi
Central Government Standing Counsel

For R2

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

ORDER

Heard both sides.

2. The petitioner seeks to close the proceedings initiated under show cause notice dated 05.11.2024 with regard to the status of the petitioner's new 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 second respondent submitted that a criminal case has been registered against the petitioner in Crime No.189 of 2024 for the offences under Sections 281 and 125(b) of the B.N.S., 2023, on the file of the second respondent and the same has culminated in filing a charge sheet in S.T.C.No.280 of 2025 before the Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District.

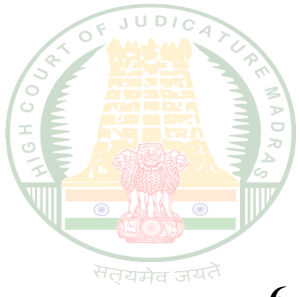


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4. In view of the above said submissions, the petitioner is given liberty to move the trial Court for the relief now sought for. As and when such miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter.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

29.04.2025

Index : Yes / No

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VIVEK KUMAR SINGH, J.

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