



W.P.(MD) No.12649 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.12649 of 2025

Murugan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 2.

2.The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to issue the Police Clearance Certificate (PCC) to the petitioner's Passport No.Z8204628 based on his Application bearing File No.MD2086949827125 dated 06.02.2025 within the time stipulated by this Court.

For Petitioner : Mr.M.Arikaran

For R1 : Mr.P.Sivachandran
Central Government Standing Counsel



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For R2

: Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to issue a Police Clearance Certificate (PCC) in respect of the petitioner's Passport No.Z8204628, based on his application bearing File No. MD2086949827125, dated 06.02.2025, within the time stipulated by this Court.

2. It is noticed that an order was earlier passed by this Court granting liberty to the petitioner to approach the Magistrate Court for appropriate directions for issuance of passport, vide order dated 05.12.2024 in W.P.(MD) No.29283 of 2024. The relevant paragraphs read as under:

5. The petitioner is given liberty to move the learned Judicial Magistrate Court, Valliyoor, 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



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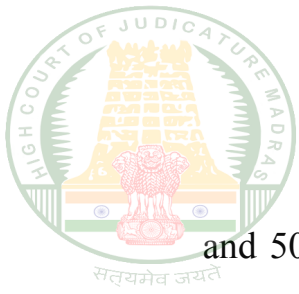
are extraordinary circumstances shall not deny relief. Of course, the period of validity of passport will have to be restricted. It is also open to the learned Trial Judge to stipulate appropriate conditions to ensure that the prosecution is not stalled on account of the petitioner-s absence from India. 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.

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.

3. Pursuant to the aforesaid order, the petitioner filed Crl.M.P.No.1 of 2025 before the Judicial Magistrate Court, Vallioor. An order dated 10.01.2025 was passed by the Judicial Magistrate Court, Vallioor in the said Crl.M.P., pursuant to which the petitioner's passport was renewed.

4. It is the case of the petitioner that the petitioner presently has a job opportunity abroad, and therefore, the Police Clearance Certificate (PCC) should be issued to him pursuant to his application dated 06.02.2025.

5. It is noticed that FIR in Crime No.288 of 2018 has been registered for the offences punishable under Sections 294(b), 406, 420,



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and 506(2) of the IPC and Section 4 of the TNPHW Act. FIR in Crime No.361 of 2023 has been registered for the offences punishable under Section 294(b) of the IPC and Section 4 of the TNPHW Act. The petitioner has been charge-sheeted, and the cases are pending in C.C.No. 289 of 2018 and C.C.No.257 of 2023 before the Judicial Magistrate Court, Vallioor. The trial has also commenced.

6. Therefore, there cannot be any positive direction to the first respondent to issue the Police Clearance Certificate (PCC). However, it is open to the petitioner to file an appropriate application before the Judicial Magistrate Court, Vallioor, for securing such a certificate. It is also open to the petitioner to produce any order passed by this Court that may be in his favour to convince the learned Judicial Magistrate to grant such order.

7. With the above liberty, this Writ Petition stands dismissed. No costs.

23.06.2025

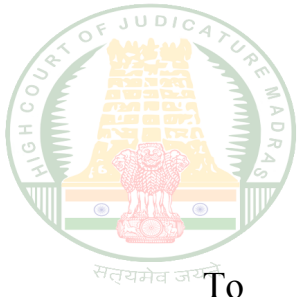
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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order



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To
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C.SARAVANAN, J.

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