



W.P.(MD)No.13696 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13696 of 2025

Mohamed Habeeb

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Madurai.

2.The Inspector of Police,
AWPS-Uthamapalayam Police Station,
Theni 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 re-issue passport to the petitioner in accordance with law by processing the applications of the petitioner in Application Number MD9077491059725 dated 17.03.2025, within the time stipulated by this Court.

For Petitioner

: Mr.K.Sivabalan
for M/s.Arun Legal Consultancy

For R1

: Mr.R.M.Arun Swaminathan
Central Government Standing Counsel



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W.P.(MD)No.13696 of 2025

For R2

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

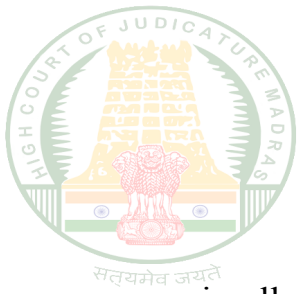
ORDER

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 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.1 of 2021 for the offences under Sections 498(A) and 406 of I.P.C. read with Sections 4 and 6 of the Dowry Prohibition Act, 1961 on the file of the second respondent and the same has culminated in laying a charge sheet in C.C.No.102 of 2022 before the Judicial Magistrate Court, Uthamapalayam, Theni District.

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



W.P.(MD)No.13696 of 2025

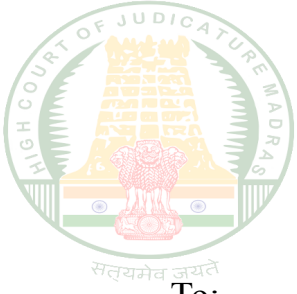
miscellaneous petition is filed, it shall be numbered and disposed of within a period of three weeks thereafter. The learned trial Judge shall bear in mind that right to travel abroad is a fundamental right. The petitioner's career and avocation may be at stake, if he is denied the right to go abroad. 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.

6. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No

30.04.2025



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W.P.(MD)No.13696 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.13696 of 2025

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