



W.P.(MD)No.15841 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.15841 of 2025

Abdul Bari Abdul Azeez

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.

2. The Inspector of Police,
Kondalampatty Police Station,
Salem City,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent to consider the explanation, dated 20.09.2024 and expedite the process of re-issuing passport to the petitioner, based on passport application, dated 16.04.2024, bearing File No.MD1076459620524 in accordance with the directions issued by this Court in WP(MD)No.7560 of 2024, dated 27.03.2024 and thereby, permit the petitioner to travel abroad.



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W.P.(MD)No.15841 of 2025

For petitioner : Mr. S.Modharshini

For respondents : Mr.B.Brijesh Kishore
Central Government Standing Counsel for R1
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for the relief of directing the first respondent to consider the explanation, dated 20.09.2024 and expedite the process of re-issuing passport to the petitioner, based on passport application, dated 16.04.2024, bearing File No.MD1076459620524 in accordance with the directions issued by this Court in WP(MD)No.7560 of 2024, dated 27.03.2024 and thereby, permit the petitioner to travel abroad.

2. Heard the learned counsel for the petitioner, learned Additional Government Pleader for the first respondent and learned Government Advocate (Crl.Side) for the second respondent.

3. The learned counsel for the petitioner submits that the petitioner is an accused in the following cases:



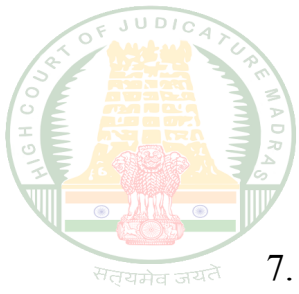
W.P.(MD)No.15841 of 2025

S.N	District	Police Station	Crime No.	Section of Law	Stage of the case
1.	Dindigul	Reddiyarchatram	298/2015	34-IPC 4(b), 5 -IES Act 9(B)(1)(b)- Explosives Act 286 -IPC	Not taken on file
2.	Dindigul	Natham	62/2014	9(B)(1)(b), 9(B)(3)(a), 9(B)(3)(b) – Explosives Act	Disposed
3.	Dindigul	Oddanchatram	22/2014	286-IPC 9(B)(1)(b), 9(B)(3)(b) – Explosives Act	Not taken on file
4.	Dindigul	Palani Town	760/2013	9(B)(1)(b) – Explosives Act	Pending Trial

4. It is submitted that Sl.Nos. 1 and 3 cases are no longer pending, as FIR in Crime Nos. 298 of 2015 and 22 of 2014 have been quashed by this Court *vide* order, dated 27.03.2024, in CrI.O.P.(MD) No.21898 of 2022 and order, dated 25.03.2024, in CrI.O.P.(MD) No.21968 of 2022, respectively.

5. As far as the Crime No.62 of 2014 is concerned, the petitioner was discharged by the Trial Court *vide* order, dated 17.09.2014 in Cr.M.P.No.3792 of 2014.

6. As far as Crime No.760/2013 is concerned, it is submitted that the case is still pending for trial.



W.P.(MD)No.15841 of 2025

7. Today when the matter is taken up for hearing, the learned Government Advocate (Crl.Side) for the second respondent submits that another one complaint is also pending against the petitioner in Crime No.416 of 2010 before the second respondent under the provisions of Explosives Act and the same is pending investigation.

8. Law on the subject has been settled by the Hon'ble Division Bench of this Court in ***The Regional Passport Officer, Chennai Vs. Samsudeen Mohamed Salih and another*** (W.A.No.902 of 2023, dated 02.06.2023), wherein it has been held as under:

“6.The contention of learned counsel for the appellant that the first respondent cannot travel abroad without the permission of the Court where the criminal case is pending, would not be an impediment for the passport authority to consider the application for renewal of the passport. No doubt, if the first respondent has to travel abroad and the criminal case is pending, then unless the Magistrate or the Sessions Court where the criminal case is pending permits the first respondent to travel abroad, he cannot travel abroad.

7.In the light of the above, we pass the following order: (i) The writ appellant shall process the application of the first respondent for renewal of passport without insisting for permission of the Court, where a criminal case is pending against the first respondent. If the first respondent is travelling abroad, then the first respondent would be required to seek permission from the Court where the criminal case is pending. (ii) Decision shall be taken as above, within one month.”

9. In view of the above, there shall be a direction to the first respondent to process the renewal of passport of the petitioner as expeditiously as possible



W.P.(MD)No.15841 of 2025

preferably within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner shall not travel without permission of the

concerned Court. Therefore, the passport shall be surrendered to the said Court.

10. With the aforesaid directions, this Writ Petition is allowed. No costs.

Index : Yes / No

12.06.2025

Internet : Yes / No

apd

To

1. The Regional Passport Officer,
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Madurai 625 002.

2. The Inspector of Police,
Kondalampatty Police Station,
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W.P.(MD)No.15841 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No.15841 of 2025

12.06.2025



W.P.(MD)No.15841 of 2025

W.P.(MD)No.15841 of 2025

C.SARAVANAN, J.

This case is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is not an accused as mentioned in Serial No.4 of the table in Paragraph No.3 of the order dated 12.06.2025 in W.P(MD)No.15841 of 2025. It is submitted that instead the petitioner was arrayed as Accused No.3 in Crime No.416 of 2010 under Section 5 of IPC, which was later altered into Section 9(1)(b) of the Explosive Act. It is informed that a charge sheet has been filed. However, the second respondent has filed an application on the ground of limitation in CrI.M.P.No.517 of 2022 which is pending before the Judicial Magistrate – V, Salem. It is informed that the charge sheet has not been taken on file so far.

3. In view of the above submission, Paragraph No.3 shall be substituted as follows:

3. The learned counsel for the petitioner submits that the petitioner is an accused in the following cases:



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S.No.	District	Police Station	Crime No.	Section of Law	Stage of the case
1	Dindigul	Reddiyarchatram	298/2015	34-IPC 4(b), 5 -IES Act 9(B)(1)(b)- Explosives Act 286 -IPC	Not taken on file
2	Dindigul	Natham	62/2014	9(B)(1)(b), 9(B)(3)(a), 9(B) (3)(b) – Explosives Act	Disposed
3	Dindigul	Oddnchatram	22/2014	286-IPC 9(B)(1)(b), 9(B)(3)(b) – Explosives Act	Not taken on file
4	Salem	Kondalampatty	416/2010	9(1)(b)– Explosives Act	Limitation petition filed not taken on file

4. In view of the above amendments, the Paragraph Nos.6 and 9 shall be substituted as follows:

6. As far as Crime No.416 of 2010 is concerned, it is submitted that the charge sheet and a limitation application has been filed in Crl.M.P.No.517 of 2022 before the Judicial Magistrate – V, Salem. The said application is still pending. However, the case has not been taken on file so far.

9. In view of the above, there shall be a direction to the first respondent to process the renewal of passport of the petitioner as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.(MD)No.15841 of 2025

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5. Registry is directed to carry out necessary correction in the order, dated 12.06.2025 and issue fresh order copy to the parties.

07.07.2025

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W.P.(MD)No.15841 of 2025

C.SARAVANAN, J.

Sn

W.P.(MD).No.15841 of 2025

07.07.2025