



W.P.(MD) No. 18336 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 18336 of 2025

and

W.M.P.(MD) Nos.14051 & 14052 of 2025

R.Santhosh Kumar
rep. by his power holder Sakunthala.

... Petitioner

Vs

1. The Union of India,
Ministry of External Affairs,
Rep. by its Principal Secretary,
South Block, New Delhi.

2. The Regional Passport Officer,
Bharathi Ula Road,
Near Thamarai Thooti Bus Stop,
K.K.Nagar,
Ramaond Reserve Line,
Madurai.

3. The State
Rep. by the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned communication of the first respondent, dated 12.06.2025, issued by the Embassy of India, Beharin and quash the same and consequently, direct the respondents to renew the passport of the petitioner's son bearing Passport No. M3937024.

For petitioner : M/s. Selvirajesh

For respondents : Mr.P.Murugesan
Central Government Standing Counsel for R1 & R2
Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R3

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned Central Government Standing Counsel for the respondents 1 and 2 and learned Government Advocate (Crl.Side) for the third respondent.

2. The petitioner, as a holder of the passport, who applied for its renewal on 05.11.2024. The previous passport was valid between 25.12.2014 and 24.12.2024. The application for renewal was made before the Embassy of India at

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Behrain, in respect of which the petitioner has been issued with the impugned order, wherein it has been stated that the petitioner is an accused person in Crime No.281 of 2020 for the offences under Section 294b, 324 and 506(ii) IPC pending on the file of the third respondent.

3. It is informed by the learned counsel for the petitioner that the petitioner is currently stationed in Behrain and that the petitioner's minor daughter, who is pursuing her education, and his wife, who is employed as a Health Worker in Behrain, are also with him.

4. The learned Government Advocate (Crl.Side) for the third respondent submits that the petitioner is a sole accused in Crime No.281 of 2020 for the offences under Sections 294b, 324 and 506(ii) IPC before the third respondent police station.

5. It is informed that the charge sheet has also been filed on 06.09.2020 and has been taken on the file of the Judicial Magistrate Court-I, Kulithurai in C.C.No.375 of 2020. Therefore, the question of renewing the passport of the petitioner cannot be countenanced, in view of the Section 6(2)(f) of the Indian



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Passport Act, 1967. However, 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)***, has held otherwise. Dealing with somewhat similar situation, in W.P.(MD) No.10103 of 2024 by its order dated 29.04.2024 had ordered as follows:

“2.The petitioner seeks reissuance of passport. She is presently at Bahrain. Her request was negatived on the ground of pendency of C.C.No.424 of 2020 on the file of the learned Judicial Magistrate No.1, Kulithurai in which she is figuring as one of the accused. Since the petitioner wants to come back to India for the purpose of getting permission from the Court concerned, I direct the Indian Embassy at Bahrain to renew the petitioner's passport. Its validity period shall however be restricted to three (3) years. The petitioner through her counsel gives an undertaking that after coming down to India, she will approach the learned trial Magistrate and obtain an appropriate order from the Court to leave India.

3.The petitioner is permitted to file such an application. The learned trial Magistrate is directed to dispose of the same on merits and in accordance with law within a period of three weeks after the same is filed. Of course, the defacto complainant will have to be put on notice in the said application. The learned trial Magistrate will bear in mind that the petitioner is not a prime accused. The Court is also bear in mind that the petitioner's family is at Bahrain and she detained in India, her rights will be agitated. However, appropriate undertaking can be taken from the petitioner to ensure so that the progress of the criminal case is not stalled on account of the petitioner's absence from India. The passport authority will act further in the matter based on the order to be passed by the learned trial Magistrate.”



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6. Considering the same, the impugned order insofar as direction to the petitioner to apply for Emergency Certificate (one way travel document for the petitioner to travel India), is quashed.

7. Further, there shall be a direction to the first respondent to issue a fresh passport to the petitioner in case the application is still alive, for the period of five years. However, it is made clear that the petitioner shall appear before the learned Judicial Magistrate-I, Kulithurai, when the trial is commenced or as and when the petitioner is required before the said Court.

8. In case the petitioner fails to appear before the Court on the date specified for his appearance, concerned Court may issue Non-Bailable Warrant to the petitioner, in which case the first respondent is at liberty to take steps to cancel the passport and deport the petitioner to India.

9. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes / No
Internet : Yes / No
apd

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To

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C.SARAVANAN, J.



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