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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.MP.(MD)No.16753 of 2025

in

CrI.O.P(MD)No.18471 of 2024

T.Alvin @ Alvin Vincent

...Petitioner

Vs

1. The State of
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Cr.No.194 /2023)

2. Amirtha George

3. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 001.

(R3 is impleaded as per order of this Court dated 26.11.2025
in CrI.MP(MD)No.18571 of 2025 in CrI.OP(MD)No.18471 of 2024)

...Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 BNSS, 2023, to grant permission to the petitioner to travel abroad for employment pursuant to his visa dated 06.08.2025 in connection with C.C.No.104 of 2024 Judicial Magistrate, Eraniel, Kanyakumari District, pending disposal in CrI OP(MD) No.18471 of 2024 before this Court.



For Petitioner : M/s.R.Russel Raj
For Respondents : Mr.Barathan for R2
Mr.R.Ganesh Kumar
Central Government Standing
Counsel for R3

ORDER

The petitioner in CrI.M.P.(MD)No.16753 of 2025 is the 16th accused in C.C.No.104 of 2024 on the file of the Judicial Magistrate Court, Eraniel. He has filed this petition seeking to grant permission to him to travel abroad for employment pursuant to his visa dated 06.08.2025 in connection with C.C.No.104 of 2024, on the file of the Judicial Magistrate, Eraniel, Kanniyakumari District, pending before the main CrI.O.P.(MD)No.18471 of 2024.

2. This Court in a similar situation in the case of ***N.Chandrababu Vs. The Sub Inspector of Police in W.P.(MD)No.7056 of 2017 dated 21.04.2017*** has held that in those cases related to issuance and renewal of passports which are seized by the High Court, the concerned Court for permitting the applicants to go abroad would be the High Court itself and the relevant portion of the same is extracted as follows:-

“4. For deciding the issue at hand, Section 6(2)(f) will be relevant. A reading of the said provisions shows that the power of the Passport Authority to refuse issuance of passport under Section 5(2)(c) is governed by Section 6(2). Thus, for any of the reasons given in Clause (a) to (i) of Section 6(2), the Passport Authorities can refuse to issue a passport in exercise of power under Section 5(2)(c). The Parliament, in its wisdom,



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has conferred the aforesaid power, which is administrative in nature, on the Passport Authority. The Central Government has issued the following Notification dated 25.08.1993, for regulating the exercise of power by the Passport Authority under Section 6(2) (f):

“In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No.G.S.R.298(E), dated the 14th April, 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub-section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) The passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above, if the court specifies a period for which the passport has to be issued; or

(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year; or

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a) (ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified;

(c) any passport issued in terms of (a) (i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall give an undertaking in writing to the passport issuing authority that he shall, if required by the court concerned, appear before it at any time during the



continuance in force of the passport so issued.

5. From a reading of the aforesaid Notification, in the opinion of this Court, the expression 'concerned Court' will mean the Court before whom the person is facing the prosecution. In this case, had there not been a quash petition pending, the 'concerned Court' would be the learned Judicial Magistrate No.V, Trichy before whom the petitioner is facing trial in C.C.No.21 of 2015. However, this Court, in exercise of its power under Section 482 of Cr.P.C., has admitted CrI.O.P. (MD)No.3533 of 2017 and has granted stay of all further proceedings in C.C.No.21 of 2015 on the file of Judicial Magistrate No.V, Trichy. Under such circumstances, the expression 'concerned Court' in the context of the present case will mean the High Court and not the Judicial Magistrate No.V, Trichy.

6. Now, the next question that falls for consideration is whether, this Court can permit the petitioner to go abroad. This decision has to be taken on a case to case basis and there cannot be any cut and paste formula. To decide the desirability of permitting this petitioner to go abroad, it may be necessary for this Court to briefly analyse the allegations in the charge sheet in C.C.No.21 of 2015. In the charge sheet, it is alleged by the prosecution that M.A.Alaudeen (A1) and his wife Paulgeesh @ Bhuvneshwari (A2) were running a film Company, Haji Cine Creation and had received money from the de-facto complainant for taking a film titled 'Sathiram Bus Stand', but did not complete the film. They had promised to give a role to the de-facto complainant in the said film and had also taken him as a partner in Haji Cine Creation. Pursuant to that, the de-facto complainant became a partner with A1 and a partnership deed was registered as Document No.197 of 2010 on 27.04.2010. Thereafter, A1 completed the film with the help of the finance provided by Babu @ Chandrababu (A3) (the petitioner herein) and thus cheated the de-facto complainant. Since, this Court was prima facie satisfied that the transaction is purely civil in nature, this Court had admitted CrI.O.P.(MD)No.3533 of 2017 and had granted stay of the prosecution in C.C.No.21 of 2015. The police have filed a report before this Court, in which it is stated that the petitioner is a permanent resident of Trichy and has been doing furniture business. It is the case of the petitioner that to fulfil his business commitments, he is required to go to China for procuring furniture items as well as farm equipments.

7. On a conspectus of the facts obtaining in this case, this Court is of the view that this is a fit case for which permission should be granted to the petitioner to go abroad.



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Under such circumstances, this Court permits the petitioner to depart from India and return on 30th May 2017. In view of the permission granted by this Court, the Passport authorities are directed to exempt the petitioner from the operation of the provisions of Clause (f) of sub-Section (2) of Section 6 of the Passports Act. The petitioner shall give an undertaking as contemplated by Clause (d) of the Notification dated 25.08.1993. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C.No.21 of 2015 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad. Accordingly, this writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.”

3. The instant case has been filed seeking quashment of the final report in C.C.No.104 of 2024 on the file of the learned Judicial Magistrate, Eraniel. The petitioner in this CrI.M.P. is Accused No.16. Being the holder of passport No.N8350106, whose passport was renewed on 09.09.2025. But the renewed passport is not issued to him citing the pendency of the above criminal case, based on the adverse police report in Karungal Police Station. The petitioner has obtained a visa dated 06.08.2025 for employment abroad and hence this petition. Seeking to quash the above C.C., this CrI.O.P. was filed by all the accused and an order of interim stay was granted by this Court on 28.10.2024, which has been extended from time to time till date.

4. Fully fortified by judgment in N.Chandra Babu case, this Court is of the considered view that this Court is the “concerned Court” to permit the accused to depart from India, due to the pendency of this quash petition. That apart the learned counsel for R2 fairly conceded that he has no



objection to allow this CrI.M.P. Under such circumstances, needless to state, this is a fit case for which permission should be granted to the petitioner to go abroad.

5. Thus in view of the permission granted by this Court, the passport authorities are directed to exempt the petitioner from the operation of the provisions of clause(f) of Sub-Section(2) of Section 6 of the Passports Act. The petitioner will be entitled to keep the passport with him, in view of the fact that this Court has granted stay of all further proceedings in C.C.No.104 of 2024 and it may not be necessary for the petitioner to come every time to this Court seeking permission to go abroad.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed.

17.12.2025
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RJR

Note: Issue order copy on 18.12.2025



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L.VICTORIA GOWRI, J.

RJR

To

1. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
2. The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 001.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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