



WEB COPY

WP No. 20241 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

WP No. 20241 of 2026

Murugan

..Petitioner(s)

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Chennai Royala Towers, No.2 and 3,
IV Floor, Old No.785, New No. 158,
Anna Salai,
Chennai- 600 002.
2. The Inspector of Police,
All Women Police Station,
Kallakurichi and District.
3. The Consulate General of India
Adu Dubai, Dubai,
United Arab Emirates (UAE)

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to renew the petitioner's passport bearing No.P2042000 and issue new passport by considering petitioner's Passport application reference no. 26-2001264261 within a time frame fixed by this Court.

For Petitioner(s):

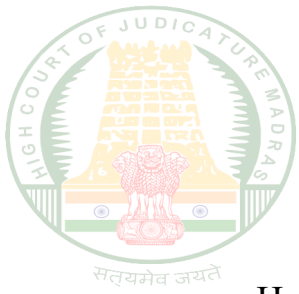
Mr.V.Gunasekar

For Respondent(s):

Mr.M.Sathyan for R1

Mr.L.Baskaran

Additional Public Prosecutor for R2



ORDER

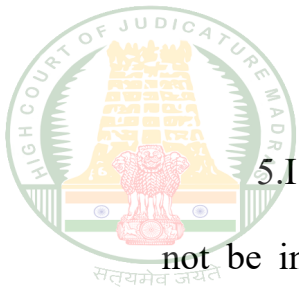
Heard both sides.

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2.The writ petitioner is presently working in Abu Dhabi. He is only an ordinary labourer. The validity of the petitioner's passport expires on 22.08.2026. Hence, he seeks renewal of the same. On account of the pendency of a criminal case, the authority could not grant renewal and that led to filing of this writ petition.

3.It is seen that the writ petitioner herein is figuring as A1 in Crime No.2 of 2019 registered on the file of AWPS, Kallakurichi, registered for matrimonial offences. The case has been charge sheeted and taken on file in C.C.No.544 of 2025, on the file of the Judicial Magistrate – II, Chinna Salem, Kallakurichi. It is well settled that once a case has been charge sheeted and taken cognizance, permission has to be obtained from the jurisdictional criminal court where the prosecution is still pending.

4.The learned Additional Public Prosecutor draws my attention to the recent decision of the Hon'ble Supreme Court in *Mahesh Kumar Agarwal Vs.Union of India and another* (Civil Appeal No.17769 of 2025 decided on 19.12.2025.)



5. I take note of the fact that the petitioner is presently abroad and he may not be in a position to come down to India. Therefore, the petitioner may submit an application before the Trial Court through his counsel. As and when such an application is filed, it shall be numbered immediately and disposed of. The Trial Court can very well pass orders favouring the petitioner herein within a period of three weeks thereafter. A certified copy shall also be issued to the petitioner's counsel. The petitioner shall produce the same before the third respondent and get his passport renewed.

6. At the same time, on account of the petitioner's absence from India, the trial cannot be impeded. The petitioner, therefore, has to give a special vakalat for his counsel and also seek exemption of his appearance. In other words, the petitioner should not dispute the identity of the witnesses later. Subject to the petitioner co-operating for the speedy disposal of the case, even in his absence, the Court below can very well pass orders in his favour. The Trial Judge will put the de facto complainant on notice before passing final orders.

6. The writ petition stands disposed of accordingly. No costs.

21-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sli/mp



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G.R.SWAMINATHAN, J.

sli/mp

To

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