



W.P.Crl.No.1277 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2026

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CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.Crl.No.1277 of 2026 and
WPMP.Crl.No.430 of 2026

Jithendranath

... Petitioner

Vs.

1.The Sub-Inspector Of Police,
K.K.Nagar Police Station,
T.Nagar Police District,
Cr.No.145 of 2026.

2.The Asst. Foreigners Regional Registration Officer,,
Chennai Airport, Bureau of Immigration,
Meenambakkam,
Pallavaram Taluk,
Chengalpattu District.

... Respondents

Prayer:

Writ Petition(Crl.) filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus praying to direct the respondents to permit the petitioner to travel Toronto, Canada before 06.06.2026 in the light of the order passed in Cr.M.P.No.2499 of 2026 dated 01.06.2026 on the file of the Court of XXIII Metropolitan Magistrate, Saidapet, Chennai

For Petitioner : Mr.S.Doraiswamy

For Respondents

For R1 : Mr.R.Ganesh Kumar,
Counsel for Government of
Tamil Nadu (Criminal Side)



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ORDER

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This Writ Petition has been filed praying for a direction to the respondents to permit the petitioner to travel Toronto, Canada before 06.06.2026.

2. The petitioner is a Canada citizen. Originally he was a citizen of India and thereafter he obtained pass port in Canada as Canada citizen. During the general election of Tamil Nadu, he submitted Special Intensive Revision form and his name was registered in electoral roll. During the general election of Tamil Nadu, when he visited India to attend his brother's marriage, he cast his vote. When the petitioner was about to return to Canada in the passport office, he was verified and found that he is a citizen of Canada, but he cast vote in India, pursuant to which the first respondent registered FIR in crime No.145 of 2026 for the offence punishable under Sections 318(2) and 172 of BNSS and Section 31 of The Representation of the People Act, 1951. In pursuant to the registration of FIR, he was arrested and produced before the Magistrate court concerned. However, he was released on bail. Subsequently the petitioner also filed application in Crl.MP.No.2499 of 2026, wherein by order dated 01.06.2026, the learned XXIII Metropolitan Magistrate, Saidapet, Chennai allowed the said petition, seeking return of passport,

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on certain conditions. Accordingly, the petitioner was handed over his

Canadian passport. Thereafter, when the petitioner intended to visit abroad, he was directed to obtain No Objection Certificate to visit abroad since the investigation is still pending in crime No.145 of 2026. However, this Court is of the view that when the petitioner was returned his original passport, he can travel abroad.

3. In view of the above, the first respondent is directed to forthwith issue No Objection Certificate to the petitioner to visit abroad on receipt of undertaking affidavit to the extent that the petitioner shall appear before the jurisdiction court at the time of filing final report in crime No.145 of 2026. It is made clear that the said affidavit shall contain the place of residence at Canada, phone number and other required details.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.06.2026

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order
lok

Note: Issue order copy on 05.06.2026

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G.K.ILANTHIRAIYAN, J.

lok

To

1.XXIII Metropolitan Magistrate, Saidapet, Chennai

2.The Sub-Inspector Of Police,
K.K.Nagar Police Station,
T.Nagar Police District,
Cr.No.145 of 2026.

3.The Asst. Foreigners Regional Registration Officer,,
Chennai Airport, Bureau of Immigration,
Meenambakkam,
Pallavaram Taluk,
Chengalpattu District.

4.The Public Prosecutor,
High Court of Madras

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