

**IN THE COURT OF THE ADDITIONAL MAHILA COURT(JM LEVEL),
THENI**

Present: Selvi. D. Jayabharathi, L.L.M.,
Judicial Magistrate,
Additional Mahila Court (JM Level), Theni.

Monday, 16th day of March 2026

Cr.M.P.No. 771 of 2026

in

CC 87/2023

S. Rajapadmanabhan(69/26)
S/o.Subbiah

..... Petitioner/Accused

-Vs-

1. Regional Passport Officer,
Bharathi Ula Veethi,
Race course Road,
Madurai -625002

2. Inspector of Police,
AWPS-Theni.

.....Respondents

The petition is filed for praying to directing the 1st respondent to process the application for the re-issuance of passport vide application No. MD 1075818803725 and reissue the passport to the petitioner.

ORDER

Summary of the Petition:-

1. The petitioner, S. Rajapadmanabhan, aged 69, states that he is the first accused in C.C. No. 87/2023 and had applied for renewal of his passport (originally issued on 17.03.2016 and expiring on 16.03.2026) on 16.10.2025 after completing all formalities, including physical verification. However, he received a communication on 06.12.2025 from the Passport Authority stating that an adverse

police report was received based on two criminal cases Crime No. 155/2017, which was already quashed by the Madras High Court on 25.10.2019, and Crime No. 71/2022, which has resulted in filing of C.C. No. 87/2023 and is a matrimonial dispute for which he has filed a quash petition in CrI.O.P.(MD) No. 26129/2023 and also has an order dispensing with his personal appearance. He submitted his explanation and relevant records but the Passport Authority has not considered them or renewed his passport, causing hardship as his right to travel abroad cannot be denied merely because of a pending criminal case, especially when no conviction exists and no court has restricted his travel. He therefore filed W.P. (MD) No. 3114/2026, wherein the High Court on 05.02.2026 directed him to approach the trial court for permission to go abroad and instructed the Passport Authority to act based on the trial court's order. He submits that Section 6(2)(f) of the Passport Act, the judgment in Maneka Gandhi v. Union of India (1978), and the MEA Notification GSR 570(E) dated 25.08.1993 support his claim that a passport can be renewed even during pendency of a criminal case subject to undertaking. He prays that this court direct the Passport Authority to process and re-issue his passport (Application No. MD1075818803725) to avoid irreparable hardship.

2. Counter not Filed. The learned Asst. Public Prosecutor submitted that the petitioner has been charged with offence under U/s.323, 506(1) of IPC and 4 of TNPHW Act and the case is pending. He further submitted that there is a chance to prolong the case in the future. Therefore, it is prayed to dismiss the petition.

Heard both sides.

The point for consideration is Whether the petitioner is entitled to get the reliefs as prayed in the petition?

1. This Court has carefully considered the submissions of the petitioner and the materials placed on record. The petitioner originally obtained his passport on 17.03.2016, which is due to expire on 16.03.2026, and he applied for renewal on

16.10.2025 after completing all formalities before the Passport Authority. The renewal was withheld on the basis of an adverse police verification report referring to two criminal cases, one being Crime No.155/2017 which, however, stands quashed by the Hon'ble Madurai Bench of the Madras High Court by order dated 25.10.2019 in CrI.O.P.(MD) No. 7152 of 2017, and therefore no proceedings survive in relation to that crime number. The second case, Crime No.71/2022, has resulted in filing of the charge sheet and is now pending as C.C. No. 87 of 2023 before this Court; the petitioner has already approached the Hon'ble High Court by filing CrI.O.P.(MD) No. 26129 of 2023 seeking to quash the proceedings, and the High Court has also dispensed with his personal appearance in CrI.M.P.(MD) No. 10503 of 2023.

2. It is settled law that mere pendency of a criminal case, without conviction or restraint order, cannot be treated as an absolute bar for renewal of passport, particularly in view of Section 6(2)(f) of the Passport Act, 1967, the judgment of the Hon'ble Supreme Court in Maneka Gandhi v. Union of India which affirms the right to travel abroad as part of personal liberty under Article 21 of the Constitution, and the Ministry of External Affairs Notification GSR 570(E) dated 25.08.1993 that enables renewal upon furnishing an undertaking subject to court permission.

3. The High Court, in W.P.(MD) No. 3114 of 2026 dated 05.02.2026, has further directed the petitioner to seek orders from this trial court and instructed the Passport Authority to act upon such orders. There is no material to show that the petitioner has ever violated any condition or attempted to evade the criminal proceedings; there is also no order from any competent court prohibiting his travel abroad. Hence, considering the quashed nature of one case, the pending quash petition in the other, the absence of any conviction, and the constitutional and statutory principles governing passport renewal, this Court finds no legal impediment in granting the permission sought. This Court also considers that the above Criminal case is arose out of Matrimonial dispute.

4. Considering the facts and circumstances of the case, and in view of the order of the Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.3114 of 2026, I am inclined to partly allow the petition, subject to complying with the following conditions;

1) The petitioner shall give an undertaking in the form of an affidavit that he will appear before this court at any point of time in the future.

2) Further, the petitioner shall execute the bond for a sum of Rs.10,000/- along with two substantial sureties each for a like sum, satisfaction in which one of the sureties shall be in close relative.

3) Further, the petitioner shall submit the attested copy of the Passport No. N8644131 after renewal in this court. Further, the petitioner shall not leave to abroad without prior permission of this court, while filing such application, the petitioner/accused ought to mention the date of departure and date of arrival and ticket particulars.

4) Further the petitioner shall co-operate to dispose the case in future

5) Further the petitioner shall not take any dilatory tactics in future.

6) If any one of the aforesaid conditions not duly complied by the petitioner, the 2nd respondent is at liberty to take appropriate action in accordance with law.

Typed by me in my laptop, corrected and pronounced by me in open court on this 16th day of March- 2026.

Judicial Magistrate,
Additional Mahila Court
Theni.