



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.12713 of 2022 and

W.M.P. (MD)No.9402 of 2022

WEB COPY

M.Shanmuganathan

... Petitioner

Vs.

1. The Chief Passport Officer,
PSP Division,
Ministry of External Affairs,
Room No.8,
Patiala House, Tilak Marg,
New Delhi - 110 001.

2. The Passport Officer,
Regional Passport Office,
Tiruchirappalli.

3. S.Muruganantham
(R-3 is suo motu impleaded vide
Order dated 22.06.2022)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to clear the encumbrances created in the petitioner's passport (passport No.S4356207), if any and consequentially enable the petitioner to travel abroad for his work.

For Petitioner	: Ms.Porkodi Karnan, for M/s.Polax Legal Solutions.
For R-1 & R-2	: Ms.Victoria Gowri, Assistant Solicitor General of India.
For R-3	: Mr.K.Balasundaram

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner is facing trial in C.C.No.12 of 2019 on the file of the Judicial Magistrate, Aranthangi, for the offence under Section 138 of the Negotiable Instruments Act.

3.The petitioner is employed in Singapore. Since the petitioner appears to have been evaded service of summons, Non Bailable Warrant was issued against him and later it was recalled. The petitioner is presently in India. The petitioner has now got an



opportunity to join as Senior Software Engineer in a private company in Singapore. Hence he has to emergently leave India and go to Singapore. It is for this reason, this writ petition has been filed before this Court.

4.I directed the petitioner to implead the complainant. Today the complainant is present in person before this Court and he is also represented by his counsel.

5.I am of the view that preventing the petitioner from leaving India will not serve any purpose. The very object of filing the complaint is only to recover the dues. If the petitioner joins duty at Singapore, he will earn a decent salary and it will be in the interest of the complainant also.

6.The petitioner through his counsel gives an undertaking that he will file an application under Section 205 of Cr.P.C. before the jurisdictional Court tomorrow and also execute a special Vakalath. This should take care of the concerns expressed by the learned counsel appearing for the third respondent as the trial can proceed even in the absence of the petitioner. The petitioner further states that by tomorrow (01.07.2022), the petitioner will take a demand draft for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) in favour of the third respondent and hand over the same. The petitioner gives a further undertaking that he will return to India immediately on the expiry of six months. The undertaking is recorded.

7.The second respondent is directed to permit the petitioner to leave India. The learned Assistant Solicitor General is directed to intimate respondents 1 and 2 about the passing of this order. This writ petition stands allowed on these terms. Consequently, connected MP is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

30/06/2022

Sub Assistant Registrar(CS)

To:

1.The Chief Passport Officer,
PSP Division,
Ministry of External Affairs,
Room No.8, Patiala House, Tilak Marg,
New Delhi - 110 001.

<https://hcservices.ecourts.gov.in/hcservices/>



Copy to

MRS.VICTORIA GOWRI,
ASSISTANT SOLICITOR GENERAL OF INDIA,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC TO M/S.POLAX LEGAL SOLUTIONS, Advocate (SR-29237[F] dated 01.07.2022)

W.P. (MD) No.12713 of 2022
30.06.2022

RS (30.06.2022) 3P-5C