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W.P.(MD)NO.235 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.235 of 2023

Rajaprabhu

... Petitioner

Vs.

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai District.

2. The Inspector of Police,
Melur police station,
Madurai District.
(Crime No.1129 of 2020)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to issue the passport in Application in File No.MD1073474524121 dated 27.07.2021 and thereby issue passport to the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Mr.J.Vishnu

For R-1 : Mr.G.Rajaraman,
Central Government Standing Counsel.

For R-2 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

**ORDER**

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Heard the learned counsel on either side.

2. The petitioner seeks issuance of passport. He submitted an application before the first respondent. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Standing counsel submitted that the petitioner is shown as A1 in Crime No.1129 of 2020 registered on the file of Melur police station. However, he admitted that final report is yet to be filed. Since the case is pending only at the FIR stage, there is no impediment for the first respondent to grant the relief sought for in the writ petition.

4. However, the petitioner has to appear before the second respondent and file an affidavit indicating his contact details. The petitioner has to furnish his mobile phone details as well as email details. This is because if any final report is



filed adverse to the petitioner and the same is taken on file by the jurisdictional Magistrate, it could be possible to serve summons on the petitioner. The petitioner also must give an undertaking that the prosecution initiated against him will not be stalled, on account of his absence in India. If necessary, the petitioner will have to execute Special Vakalath in future so that he can be represented in the proceedings.

5. The petitioner shall file such an affidavit before the second respondent within a period of two weeks from the date of receipt of a copy of this order. After the petitioner complies with the terms set out in the aforesaid undertaking, the first respondent is directed to process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

31.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road,
Madurai District.
2. The Inspector of Police,
Melur police station, Madurai District.



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G.R.SWAMINATHAN,J.

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