



W.P(MD)No.1208 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1208 of 2023

and

W.M.P(MD)Nos.1119 & 1131 of 2023

Keerthan

... Petitioner

Vs

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Tiruchirappalli, New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli.

2.The Superintendent of Police,
Thanjavur,
Thanjavur District.

3.The Inspector of Police,
Vallam Police Station,
Vallam
Thanjavur District.
(Crime No.257 of 2017)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned clarification under Letter Ref.no. OBJ/314041265/23 dated 04.01.2023 issued by the first respondent and to quash the same as unwarranted and unlawful and



W.P(MD)No.1208 of 2023

further direct the first respondent herein to issue Passport under File No. TR1064876369522, to the petitioner herein within a time frame fixed by this Court.

For Petitioner : Mr.A.S.Krishnan

For Respondents : Mr.K.Maharajan
Central Government Standing Counsel
for R.1

Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2.The petitioner applied for issuance of passport. While processing the same, the first respondent came to know that a criminal case was registered against the petitioner. Hence the impugned notice dated 04.01.2023 came to be issued. Apprehending that he may not be issued with passport, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 3 clarifies that that the case registered against the petitioner is pending only at the FIR stage.



W.P(MD)No.1208 of 2023

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 third 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 third respondent within a period of four weeks from the date of receipt of a copy of this order. After the petitioner informs the first respondent that he has complied 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.



W.P(MD)No.1208 of 2023

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6.This writ petition stands allowed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

20.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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Thillainagar 7th Cross,
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W.P(MD)No.1208 of 2023

G.R.SWAMINATHAN, J.

MGA

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