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W.P.(MD)No.3765 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3765 of 2023

M.Bharathi Mohan

... Petitioner

Vs.

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

2. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

3. The Inspector of Police,
City Crime Branch,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.1 to to issue the passport in Application in File No.MD1075026700723 based on the representation of the petitioner dated 10.02.2023, within the time stipulated by this Court.



For Petitioner : Mr.S.Ramsundarvijayraj
For R1 : Mr.K.R.Laxman
Senior Panel Counsel
For R2 and R3 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

ORDER

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.12 of 2020 registered on the file of CCB, Madurai. 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 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 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.

02.03.2023

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

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G.R.SWAMINATHAN,J.

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