



W.P(MD)No.4264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4264 of 2023

Danish Pesani

... Petitioner

Vs.

1.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(In Crime No.587 of 2020)

2.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 18.02.2023, and to consequentially direct the 2nd respondent to issue passport to the petitioner thereby permitting him to travel abroad.



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For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.R.Senthilkumar,
Central Govt. Standing Counsel for R2.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1.

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of passport. He submitted an application. After verification, the impugned communication came to be issued. Hence the present writ petition has been filed.

3.The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the criminal case registered against the petitioner is still at the FIR stage. Since the case is pending only at the FIR stage, there is no impediment for the second respondent to grant the relief sought for in the writ petition.

4. However, the petitioner has to appear before the first respondent and file an affidavit indicating his contact details. The petitioner has to furnish his



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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 from 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 first respondent within a period of two weeks from the date of receipt of a copy of this order. After the petitioner satisfies the first respondent that he has complied with the undertaking mentioned above, the second respondent shall process the petition mentioned application and reissue passport subject to fulfilment of the other usual formalities.

6. 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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To:-

The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

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