



W.P(MD)No.7766 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7766 of 2023

Aandhababu Nagarajan

... Petitioner

Vs.

1.The Union of India,
represented by the Principal Secretary,
Ministry of External Affairs,
Union of India E Block,
Central Secretariat,
New Delhi.

2.The Union of India,
Represented by the Principal Secretary,
Ministry of Overseas Indian Affairs,
Jaisalmer House,
Mansingh Road,
New Delhi.

3.The Regional Passport Officer,
O/o. Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

4. The Inspector of Police,
TIW South police Station,
Trichy City.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to consider the Adverse Police Verification Report, corresponding to the petitioner's application, dated 06.08.2020 in file number MD1086636091721 and retain the validity of the petitioner's re-issued passport bearing number U5727933 and in accordance with law and within the time fixed by this Court.

For Petitioner : Mr.K.Neethimohan

For Respondents : Mr.S.Jeyasingh
Senior Panel Counsel for R1 to R3.
Mr.J.Ashok
Additional Government Pleader for R4.

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the third respondent with respect to a clarification sought by the third respondent / Regional Passport officer, Madurai dated 26.10.2021 to the petitioner herein. The petitioner had applied for a passport and passport had been issued in U5727933 on 06.08.2020. It had been stated that the petitioner had not disclosed about the pendency of a criminal case registered as FIR in Crime No.115/2018 under Sections 279, 337 IPC altered to Section 279, 304(A) IPC.

2. The learned counsel for the petitioner pointed out that consequent to investigation, the final report had been filed and it had been taken cognizance



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as C.C.No.282 of 2019 and now pending before the Judicial Magistrate Court No.5, Trichy. Trial is now on going before the learned Judicial Magistrate No.5. The petitioner is an accused in that particular case.

3. Let the respondents await the result of the criminal case but at any rate, if at all the petitioner wants to go abroad, then he may give necessary undertaking that he would go abroad only after getting necessary permission from the Court wherever the case is pending. Let him also give an undertaking that he would disclose the judgment delivered by the Judicial Magistrate No.5 in the aforementioned calender case. Thereafter, the third respondent may take a decision depending on the nature of the judgment passed. Till that time, the notice issued, complained by the petitioner, may be kept in abeyance. The petitioner is placed under an obligation to inform the third respondent that the nature of the judgment order passed in C.C.No.282/2019 within a period of 10 working days from the date of judgment.

4. Recording as above, this writ petition stands disposed of. No costs.

05.06.2023

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

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C.V.KARTHIKEYAN, J.

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To:

- 1 The Inspector of Police,
TIW South police Station,
Trichy City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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