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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.8822 of 2023

Deepan Chakkaravarthy Obla Balachandran

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi, Race Course Road, Madurai-2.

2.The Inspector of Police,
Anna Nagar Police Station (L&O), Madurai.

3.The Inspector of Police,
PEW Police Station, Madurai City, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to re-issue passport to the petitioner based on his application bearing File No.MD1074858140722, dated 12.12.2022 within the time stipulated by this Court.

For Petitioner	:Mr.P.R.Prithiviraj
For R1	:Mr.K.Kuttalanathan
	Central Government Standing Counsel
For R2 and R3	:Mr.J.Ashok
	Additional Government Pleader



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ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first respondent to re-issue the passport of the petitioner based on application in File No.MD1074858140722, dated 12.12.2022.

2.Heard Mr.P.R.Prithiviraj, learned Counsel for the petitioner, and Mr.K.Kuttalanathan, learned Central Government Standing Counsel for the first respondent and Mr.Mr.J.Ashok, learned Additional Government Pleader for the respondents 2 and 3.

3.The petitioner is the holder of an Indian passport No.F3323414. It had expired. He had then applied for fresh passport. A renewed passport was issued bearing No.K9949682. Thereafter, when a further application was made for further renewal, it was informed that an FIR in Cr.No.62 of 2007 had been registered against the petitioner herein, which was taken cognizance as S.C.No.248 of 2010. The petitioner was actually acquitted by judgment, dated 01.02.2016 by the VI Additional District Court at Madurai. A further appeal had been filed and it is

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pending before this Court in Crl.A.(MD)No.379 of 2016. Even otherwise, it had been stated that another FIR in Cr.No.828 of 2016 had been registered against the petitioner herein.

4.The learned Additional Government Pleader stated that final report had been filed and it had not been taken cognizance by the learned Judicial Magistrate No.VI at Madurai. Insofar as the pendency of the criminal appeal is concerned, even when the passport was to be renewed on earlier occasion, the petitioner had to file W.P(MD)No.11418 of 2018 and an order was passed on 30.05.2018 directing renewal of the passport in spite of the pendency of the criminal appeal.

5.In view of above facts, a direction is issued to the first respondent to issue a notice to the petitioner herein and thereafter, get necessary undertaking, particularly, that if he wants to go abroad, then he must get a permission from this Court where Crl.A.No.379 of 2016 is pending and also from the learned Judicial Magistrate No.VI, Madurai, where, the final report had been filed insofar as FIR in Cr.No.828 of 2016 is concerned and if the Judicial Magistrate had committed the same



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for trial to the Sessions Court, then from the Session Court concerned, where, the trial is held. Only after getting permission from the said two Courts, the petitioner can go abroad. Subject to those conditions and getting an indemnity from the petitioner, the first respondent may, if the petitioner is otherwise eligible, renew the passport of the petitioner. The entire exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of. No costs.

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

27.04.2023

cmr

To

1.The Inspector of Police,
Anna Nagar Police Station (L&O), Madurai.

2.The Inspector of Police,
PEW Police Station, Madurai City, Madurai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8822 of 2023

27.04.2023