



W.P.(MD)No.11452 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.11452 of 2023

Ramesh

.. Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillainagar 7th Cross,
Trichy-620 018.

2.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to issue a passport to the petitioner based on his application No.TR1075052815923 dated 08.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.KM.Karunakaran

For R1 : Mr.S.Pon Senthilkumar



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For R2 : Mr.Senthil Ayyanar
Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner has submitted an application to the first respondent for issuance of passport. It is seen that the petitioner is involved in a criminal case in Crime No.545 of 2021 on the file of the second respondent for the offences under Section 379 of IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. It is well settled that mere pendency of a criminal case at the investigation or FIR stage is not a ground to deny issuance of passport. Therefore, there is no impediment for the first respondent to issue the passport to the petitioner. However, the petitioner has to appear before the second 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



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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. The petitioner shall file such affidavit before the second 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 first respondent shall process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities. This shall be done as expeditiously as possible.

4. The Writ Petition is allowed on the above terms. No costs.

10.05.2023

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

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G.R.SWAMINATHAN, J.

abr

To

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