



W.P.(MD) No.11460 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

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

W.P.(MD) No.11460 of 2023

Hariharan

.. Petitioner

Vs

1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirapalli, New Municipal Complex,
Thillai Nagar 7th Cross, Trichy.

2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to re-issue the passport to the petitioner by considering the petitioner's application taken on file as File No.TR2075161062923 within the time that may be stipulated by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For R1 : Mr.S.Pon Senthilkumar



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For R2 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner has submitted an application to the first respondent for re-issuance of his passport. Since the petitioner is involved in a criminal case in Crime No.58 of 2023 on the file of the second respondent, he apprehends that his application may not be processed.

3. It is well settled that mere pendency of a criminal case at the investigation or FIR stage is not a ground to deny re-issuance of passport. Therefore, there is no impediment for the first respondent to re-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



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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. 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 re-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.

11.05.2023

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

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G.R.SWAMINATHAN, J.

abr

To

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