



W.P(MD)No.17762 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17762 of 2022

Abdul Kader

... Petitioner

Vs.

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

2.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connection with the impugned show cause notice in file No. MD2074219184122 dated 15.06.2022 issued by the 1st respondent and quash the same and consequently forbear the 1st respondent from impounding the petitioners passport No. V8404597.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mrs.S.Ragaventhree for R1

: Mr.A.Albert James
Government Advocate for R2



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ORDER

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Heard both sides.

2. The petitioner is the holder of Indian passport. His passport was renewed on 19.05.2022. During the relevant time, FIR was pending against the petitioner. It is well settled that pendency of a criminal case at the FIR stage is not a ground to refuse issuance or renewal of the passport. Two months after the petitioner's passport was renewed, the criminal case was charge sheeted and it has been taken on file in S.T.C.No.826 of 2022 on the file of the Judicial Magistrate, Tenkasi. The petitioner's passport need not be impounded for this subsequent development.

3. Moreso because, the petitioner gives an undertaking through his counsel that he will not only make appropriate arrangements but to ensure that the criminal prosecution is not stalled on account of his absence from India. In the event of the petitioner proposing to leave India, he shall file an application under Section 205 of Cr.P.C., before the trial Magistrate and if such a petition is filed, it shall be allowed on appropriate terms and conditions.



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3. The impugned communication is quashed. Recording the undertaking of the petitioner, the Writ Petition is allowed. No costs.

15.12.2023

Index : Yes / No
Internet : Yes/ No
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To

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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