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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

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

WP(MD)No.24132 of 2023

Selva Harish

... Petitioner

v.

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

2.The Superintendent of Police,
District Police Officer,
Kanyakumari District.

3.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to issue petitioner's passport in respect of his application in file No.MD2065640158523 dated 02.08.2023 within a stipulated time prescribed by this Court.



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For Petitioner : Mr.S.Jebastin
For Respondents : Mr.V.S.Karthick for R1
Mr.A.Albert James,
Government Advocate (crl.side)
for R2 and R3

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his involvement in a criminal case, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that in the criminal case registered against the petitioner, final report has been filed but it is yet to be taken on file.

4.Even though final report has been filed, since it is yet to be taken on file, one has to proceed on the premise that there is no



proceeding pending before any criminal Court against the petitioner within the meaning of the statutory provision.

5.The petitioner has to appear before the jurisdictional police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his WhatsApp mobile number, e-mail ID. This is because, if any adverse final report is filed and the same is also taken on file by the jurisdictional criminal court, it should be possible to serve summons on the petitioner with the available details. The petitioner shall give an undertaking that the prosecution initiated against him will not be stalled on account of his absence from India. He should undertake that summons can be served on him through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special vakalat in future so that he can be represented by his counsel in the proceedings in terms of Section 205 of Cr.P.C.

6.Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-



mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
skm

To

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- 2.The Superintendent of Police,
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G.R.SWAMINATHAN, J.

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