



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.24324 of 2023

Broshkan

... Petitioner

v.

1. Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.

2. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to reissue passport to the petitioner by considering the petitioner's representation dated 25.09.2023 (petitioner's application's file No.MD1075731400523) and to permit the petitioner to go to abroad within the time limit that may be stipulated by this Court.



For Petitioner : Mr.S.Jeyakarthik
For Respondents : Mr.V.B.Sundhareshwar for R1
Mr.A.Albert James,
Government Advocate for R2

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.



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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

1. The Regional Passport Officer,
Regional Passport Office,
Government of India,
Ministry of External Affairs
Madurai, Bharathi Ula Veethi,
Race Course Road, Madurai – 625 002.

2. The Inspector of Police,
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G.R.SWAMINATHAN, J.

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