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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.25519 of 2023

Suberali Kamal

... Petitioner

VS.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai.

2.The Inspector of Police,
CSCID Police Station,
Madurai District.
(Crime No.4 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the first respondent to unblock the petitioner's passport in Passport No.N6936950 in reference to the File No.MD1079035485316 dated 06.01.2016 pending on the file of the first respondent authorities by considering the petitioner's representation dated 07.10.2023.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For Respondents : Mr.B.Deepa for R1



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Mr.A.Albert James
Government Advocate (Crl.side) for R2

ORDER

Heard both sides.

2.The petitioner obtained passport in the year 2016. Two cases were registered against the petitioner. The first case was closed based on compromise. The second case is pending. It is at the FIR stage. Therefore, petitioner's passport has been formally impounded by the authority. But then, the petitioner has not surrendered the same. He therefore moved this Court for relief.

3.It is well settled that when the case is pending only at the FIR stage, there is no impediment for the Regional Passport Officer to grant relief. 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.

4. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall revoke the impounding proceedings initiated against the petitioner.

5. This writ petition is allowed on these terms. No costs.

22.11.2023

Index : Yes / No
Internet : Yes/ No
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- To
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G.R.SWAMINATHAN, J.

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