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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

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

WP(MD) No.26533 of 2023

Iyappan Muthu

... Petitioner

VS.

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

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

(Crime No.64 of 2023

... 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 renew the petitioner's passport in Passport L5469133 in reference to the File No.MD1075833924323 dated 03.10.2023 pending on the file of the first respondent authorities by considering the petitioner's representation dated 28.10.2023.

For Petitioner : Mr.S.Ayyanar Prem Kumar

For Respondents : Mr.M.Srinivasan for R1

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



ORDER

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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 the criminal case registered against the petitioner is pending at the FIR stage.

4.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.

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
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G.R.SWAMINATHAN, J.

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