



W.P(MD)No.28137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28137 of 2023

S.Prabhu

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue the petitioner's passport bearing Passport No.W0810942 in the File No.MD1074425292522 by considering the petitioner's representation dated 31.08.2023.



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For Petitioner : Mr.P.Sujai Krishana

For Respondents : Mr.G.Thalaimutharasu for R1.
Mr.A.Albert James,
Government Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner was issued with passport. Following his implication in a criminal case, the petitioner surrendered the passport. The passport is now with the first respondent. The petitioner is facing prosecution in C.C.No.360 of 2023 on the file of the Judicial Magistrate No.I, Madurai. The learned counsel for the petitioner states that the proceedings have been stayed by this Court in CrI.O.P.(MD)No.9608 of 2023. Therefore, the question of the petitioner moving the trial Magistrate will not arise. If the petitioner's quash petition is allowed, then it is well and good. If it is dismissed, the authorities will have to reach out the petitioner.



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3. Therefore, the petitioner is directed to approach the second respondent 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 the quash petition is dismissed, 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. After the first respondent satisfies that this direction has been complied with, the passport will be returned to the petitioner.

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

18.12.2023

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

ias

To:-

The Inspector of Police,
District Crime Branch,
Madurai.

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