



W.P(MD)No.28219 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.28219 of 2023

Seenipandi

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(Crime No.95 of 2018)

... 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 Passport bearing its File No.MD2064458958722 based on the petitioner's explanation / representation dated 21.11.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.R.L.Dhilipan Pandian

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

ORDER

The petitioner seeks issuance of passport. The petitioner's application could not be processed because of his involvement in a crime case. The case has since been charge sheeted and taken on file in C.C.No.241 of 2018 on the file of learned Judicial Magistrate No.I, Tirunelveli. But then, the proceedings have been stayed by this Court in Crl.M.P.(MD)No.5744 of 2022 in Crl.O.P.(MD)No.8476 of 2022. In this background, the present writ petition came to be filed.

2.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. 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



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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.

3.After the petitioner satisfies the first respondent that he complied with the order, the first respondent will issue passport to the petitioner subject to the fulfilment of usual formalities.

4.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,
Perumalpuram Police Station,
Tirunelveli City.

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