



W.P(MD)No.27999 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27999 of 2023

Malarvizhi

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Trichirappalli – 18.

2.The Inspector of Police,
Mannarkudi Town Police Station,
Mannarkudi,
Thiruvarur District.

... 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 process the application in File Number TR2074942629523 dated 05.01.2023 and issue passport to the petitioner.



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For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.M.Sundaravadivel,
Central Govt. Standing Counsel for R1.
Mr.A.Albert James,
Government Advocate (Crl. Side) for R2.

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. She has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of her 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.

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5.The petitioner has to appear before the jurisdictional police and file an affidavit indicating her contact details. The petitioner apart from furnishing her residential address must also give her 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 her will not be stalled on account of her absence from India. She should undertake that summons can be served on her through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special vakalat in future so that she can be represented by her 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.



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7.This writ petition is disposed of on these terms. No costs.

18.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Inspector of Police,
Mannarkudi Town Police Station,
Mannarkudi,
Thiruvarur District.



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G.R.SWAMINATHAN, J.

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