



W.P(MD)No.3921 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3921 of 2024

and

W.M.P.(MD)No.3805 of 2024

Shrejith

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office, Thiruchirapalli,
New Municipal Complex, Thillainagar 7th Cross,
Thiruchirapalli – 620 018.

2.The Inspector of Police,
Vadavoor Police Station,
Thiruvarur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings dated 23.01.2023 passed by the 1st respondent and quash the same as illegal and consequently direct him to issue a passport to the petitioner on the basis of the petitioners application dated 28.12.2022.

For Petitioner : Mr.AK.Gopalan

For Respondents : Mr.Ashok Kumar,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.



W.P(MD)No.3921 of 2024

ORDER

Heard both sides.

2.The petitioner challenges the impugned letter dated 23.01.2023 issued by the first respondent seeking certain clarifications. It is not necessary to interfere with the said notice.

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



W.P(MD)No.3921 of 2024

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. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

13.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



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W.P(MD)No.3921 of 2024

G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Regional Passport Officer,
Regional Passport Office, Thiruchirapalli,
New Municipal Complex, Thillainagar 7th Cross,
Thiruchirapalli – 620 018.
- 2.The Inspector of Police,
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W.P(MD)No.3921 of 2024

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