



W.P.(MD)No.4257 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4257 of 2024

R.Muthuselvi

... Petitioner

Vs

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Road,
Reserve Line,
Madurai.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering her Passport Application No. MD1065208403923 and ARN: 23-1003739541 dated 27.03.2023.

For Petitioner : Ms.M.Sudha

For R-1 : Ms.B.Deepa

For R-2 : Mr.A.Albert James
Government Advocate
(Criminal Side)



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ORDER

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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.

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



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

27.03.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

- 1.The Passport Officer,
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- 2.The Inspector of Police,
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G.R.SWAMINATHAN, J.

Nsr

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