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W.P.(MD)NO.4530 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4530 of 2024

Jahir Hussain

... Petitioner

Vs.

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

2. The Superintendent of Police,
Pudukottai District.

3. The Inspector of Police,
Manamelkudi police station,
Pudukottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to issue / renew the passport of the petitioner vide No. K 1661451, dated 30.10.2012 as applied by him vide application dated 18.12.2023 vide Reference No.OBJ/316921167/24 and Application No. Vide – TR2076073370323.

For Petitioner : Ms.N.Subhashini

For R-1 : Mr.V.B.Sundhareshwar

For R-2 & R-3 : Mr.A.Albert James,
Government Advocate.

* * *

**ORDER**

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Heard both sides.

2. The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. Apprehending that it may not be processed in view of his 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 petitioner is figuring as an accused in Crime No.196 of 2022 on the file of the third respondent. The learned Government Advocate confirms that it is pending at 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 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. This writ petition is allowed on these terms.

No costs.

05.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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G.R.SWAMINATHAN,J.

PMU

To:

1. The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli – 620 018.
2. The Superintendent of Police,
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