



W.P.(MD).No.7189 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.7189 of 2024

and

W.M.P.(MD).No.6642 of 2024

Gobianandh

... Petitioner

Vs.

1.The Regional Passport Officer,
The Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai,
Sivagangai District.

3.The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(In Crime No.283 of 2019).

... 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 notice in Letter Ref. No: SCN/316824951/24 dated 18.01.2024 passed by the respondent No.1 and quash the same as illegal, consequently directing the respondent No.1 to issue



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the passport to the petitioner forthwith based on his application in File No.MD1066118323524 dated 02.01.2024.

For Petitioner : Mr.A.Abdulkabur
For R-1 : Mr.S.Karthik
For R-2 & R-3 : Mr.A.Albert James
Government Advocate (Crl. Side)

ORDER

Heard both sides.

2. The petitioner challenges the impugned letter dated 18.01.2024 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



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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. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

27.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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2. The Superintendent of Police,
O/o. the Superintendent of Police,
Sivagangai,
Sivagangai District.
3. The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.



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G.R.SWAMINATHAN, J.

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