



W.P.(MD).No.7268 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.7268 of 2024

and

W.M.P(MD).No.6697 of 2024

Mohana Somasundaram

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Palani Town Police Station,
Palani,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication order issued by the 1st respondent in his proceedings in letter ref No.SCN/317271033/24 dated 05.03.2024, quash the same as illegal and consequently directing the 1st respondent to issue passport based on petitioner's Application No.MD1076285765524 dated 21.02.2024 within a stipulated time limit as fixed by this Court.



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For Petitioner : Mr.S.Sarvagan Prabhu
For R-1 : No appearance
For R-2 : Mr.A.Albert James
Government Advocate (Crl. Side)

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the second respondent.

2. The petitioner challenges the impugned letter dated 05.03.2024 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 her contact details. The petitioner apart from furnishing her



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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. 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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G.R.SWAMINATHAN, J.

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