



W.P.(MD).No.7442 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.7442 of 2024

S.Dhanaventhana

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar,
7th Cross,
Trichy - 620 018.

2.The Inspector of Police,
Pattukottai Taluk Police Station,
Pattukottai,
Thanjavur 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 relating to the impugned letter No.OBJ/315934333/2023 dated 11.10.2023 passed by the 1st respondent and quash the same and consequently directing the 1st respondent to allow the petitioner's application and renewal of the petitioner's Passport No.S3687062.

For Petitioner : Mr.P.Venkatesan

For R-1 : Mr.K.Govindarajan

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



W.P.(MD).No.7442 of 2024

ORDER

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Heard both sides.

2. The petitioner challenges the impugned letter dated 11.10.2023 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.7442 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 re-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.

27.03.2024

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



W.P.(MD).No.7442 of 2024

To

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2. The Inspector of Police,
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W.P.(MD).No.7442 of 2024

G.R.SWAMINATHAN, J.

Lm

W.P.(MD).No.7442 of 2024

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