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W.P.(MD)NO.12848 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12848 of 2024

Suman Thankaian

... Petitioner

Vs.

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

2. The Inspector of Police,
Kaliyakkavilai police station,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering the petitioner's representation dated 16.03.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.G.Anto Prince
For R-1 : Mr.P.Subbiah,
Standing counsel.

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

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**ORDER**

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Heard both sides.

2. The petitioner seeks issuance of passport.

3. The petitioner's counsel states that the petitioner wants to go abroad only for business purposes. Mere pendency of the FIR is not a bar for issuing passport. If the FIR has culminated into charge sheet and taken on file, this Court normally relegates the petitioner to the trial Court. In this case, C.C.No.87 of 2017 on the file of the Judicial Magistrate-I, Kuzhithurai has been stayed at the instance of the petitioner in CrI.O.P.(MD)No.837 of 2023. Therefore, there may not be any bar for issuance of passport to the petitioner.

4. 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 the quash petition is dismissed, 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.

5. 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.

18.06.2024

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,
Madurai, Bharathi Ula Veethi,
Race Course Road,
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2. The Inspector of Police,
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