



W.P(MD)No.9874 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9874 of 2024

S.Jakeer Hussain

... Petitioner

Vs.

1.The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002,
Tamil Nadu.

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to issue the Passport to the petitioner based on his application File No. MD4074802975922 in Ref.No.SCN / 313899759/22 and further on his representation dated 12.01.2023 within a specific time limit as specified by this Court.



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For Petitioner : M/s.W.Pamelin

For Respondents : Mr.A.Srinivasan for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2

ORDER

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 (Criminal 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.



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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.



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7.This writ petition is allowed on these terms. There shall be no order as to costs.

29.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Regional Passport Officer,
Ministry of External Affairs,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002,
Tamil Nadu.

2.The Inspector of Police,
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G.R.SWAMINATHAN,J.

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