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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11860 of 2024

Mujahideen ... Petitioner

Vs.

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

2.The Inspector of Police,
Pallikaranai-TIW Police Station,
Tambaram City.
(In Cr.No.262/2023) ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to issue a fresh passport to the petitioner by considering his application taken on file as File No. TR01C5063918523 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.K.Maharajan
CGSC for R1

Mr.A.Albert James
Government Advocate (Crl.side) for R2

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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 (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 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

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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.

10.06.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

The Inspector of Police,
Pallikaranai-TIW Police Station,
Tambaram City.

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G.R.SWAMINATHAN, J.

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