



W.P(MD)No.14505 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14505 of 2024

and

W.M.P.(MD)No.12741 of 2024

R.Baskarapandiyar

... Petitioner

Vs.

1.Regional Passport Officer,
Regional Passport Office Madurai,
Bharathi Ula Veethi,
Race Course Road,
Madurai.

2.The Inspector of Police,
Paramakudi Police Station,
Paramakudi,
Ramanathapuram 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 order passed by the 1st respondent vide his proceedings in FCL/317625019/24 dated 10.04.2024 and quash the same as illegal and direct the 1st respondent to issue the Passport to the petitioner on his application in file No.MD1075590682323 in a time bound manner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.Ponsenthil Kumaran,

Central Govt. Standing Counsel for R1.

Mr.A.Albert James,

Government Advocate (Crl. Side) for R2.



W.P(MD)No.14505 of 2024

ORDER

WEB COPY

Heard both sides.

2.The petitioner challenges the impugned order dated 10.04.2024 issued by the first respondent rejecting the petitioner's application. It is not necessary to interfere with the said order. However, the petitioner is permitted to submit a fresh application.

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



W.P(MD)No.14505 of 2024

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 petitioner's application and issue passport subject to fulfilment of the other usual formalities. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.



WEB COPY



W.P(MD)No.14505 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.14505 of 2024

02.07.2024