



W.P(MD)No.16116 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16116 of 2024

and

W.M.P(MD)No.14006 of 2024

K.Mohamed Ajmeer

... Petitioner

Vs.

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

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukkottai

3.The Inspector of Police,
Mimisal Police Station,
Pudukkottai District.
(Crime No.75 of 2023)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref.No.OBJ/315541759/23 dated 17.08.2023 passed by the first respondent and quash the same as illegal, consequently directing the first respondent to reissue the passport



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to the petitioner forthwith based on his application in File No.TR1065626235523 dated 31.07.2023.

For Petitioner : Mr.A.Mohamed Riyaz

For Respondents : Mr.M.Ashok Kumar for R.1

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.2 & R.3

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. Consequently, connected miscellaneous petition is closed.

19.07.2024

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

To

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

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Pudukkottai

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

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