



W.P(MD)No.16018 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16018 of 2024

and

W.M.P.(MD)No.13925 of 2024

L.Ajith Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Tamil University,
Thanjavur District.
(Crime No.158 of 2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Ceteriorarified Mandamus, to call for the records pertaining to the impugned Notice in No. OBJ/317362599/2024 dated 14.03.2024 passed by the respondent No. 1 and quash the same as illegal and consequently direction, directing the respondent No. 1 to issue passport to the petitioner vide file No. TR1066236349724 within a time stipulated by this Court.



W.P(MD)No.16018 of 2024

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.M.Karthikeyavenkatachalapathy
CGSC for R1

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

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.



W.P(MD)No.16018 of 2024

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. This writ petition is allowed on these terms. Consequently, connected miscellaneous petition is closed.

18.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.16018 of 2024

G.R.SWAMINATHAN, J.

rmi

To

- 1.The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli District.
- 2.The Inspector of Police,
Tamil University,
Thanjavur District.

W.P(MD)No.16018 of 2024

18.07.2024