



W.P.(MD)No.18879 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18879 of 2024
and WMP(MD)No.15958 of 2024

Malaimurugan

Vs.

... Petitioner

1. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

3. The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

4. The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned order in No.2200055-CPC-MDU dated 30.05.2024 of the 1st respondent and to quash the same and consequently



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to direct the 1st respondent to issue passport to the petitioner so as to enable the petitioner to go to abroad.

For Petitioner : Mr.M.S.Jeyakarthik
For R1 : Mr.H.Velavadhas
Senior Panel Counsel
For R2 to R4 : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal side)

ORDER

With consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3.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.

4. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that in the criminal case registered against the petitioner, final report has been filed but it is yet to be taken on file.



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5. Even though final report has been filed, since it is yet to be taken on file, one has to proceed on the premise that there is no proceeding pending before any criminal Court against the petitioner within the meaning of the statutory provision.

6. 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.

7. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the



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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. No Costs. Consequently, connected miscellaneous petition is closed.

06.08.2024

NCC : Yes / No
Index : Yes / No
PJL

To

1. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

2. The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.

3. The Inspector of Police,
Salaigramam Police Station,
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N.SATHISH KUMAR , J.

PJL

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