



W.P(MD)No.21479 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.21479 of 2024

and

W.M.P.(MD)Nos.18174 & 18175 of 2024

Saleema

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road, Madurai-2.

2.The Investigation Officer,
Thadikombu Police Station,
in Crime No.64 of 2022,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's impugned letter Ref.No.SCN/318802787/2024 dated 02.08.2024 passed by the 1st respondent and quash the same and to direct the 1st respondent to renew the passport bearing No.MD1078076551114 within the time limit fixed by this Court.

For Petitioner : Mr.C.G.Pethanaraj

For R1 : Mr.J.Alaguram Jothi,

Central Government Standing Counsel



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For R2

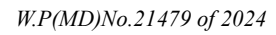
: Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. She has submitted an application before the jurisdictional passport officer. However, the 1st respondent, vide letter dated 02.08.2024, issued a communication, stating that adverse police verification report is received with remark as the applicant involved in Crime No.64 of 2022 under Sections 80 and 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 on the file of Thadikombu Police Station. Therefore, challenging the same, the petitioner has filed this Writ Petition.

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.



5. The petitioner has to appear before the jurisdictional police and file an affidavit indicating her contact details. The petitioner apart from furnishing her residential address must also give her 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 her will not be stalled on account of her absence from India. She should undertake that summons can be served on her through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special vakalat in future so that she can be represented by her 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.In view of the above, the impugned communication of the 1st respondent dated 02.08.2024 is quashed. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2024

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

Yuva

To

The Investigation Officer,
Thadikombu Police Station,
Dindigul District.



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N.SATHISH KUMAR, J

Yuva

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