



W.P.(MD) No.21718 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.21718 2024

Rajesh

...Petitioner

-VS-

1.The Regional Passport Officer,
Reginal Passport Office,
Trichirappalli.

2.State rep.by
The Inspector of Police,
Thirugokaranam Police Station,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the first respondent to issue the passport to the petitioner based on the petitioner's application No.TR2076134148924 dated 24.08.2024 on the basis of the petitioner's representation dated 27.08.2024 within a time frame fixed by this Court.

For Petitioner	: Mr.G.Madhavans
For R1	: Mr.J.Mahadevan
	Standing Counsel
For R2	: Mr.M.Vaikkam Karunanithi
	Government Advocate (Crl.side)



W.P.(MD) No.21718 of 2024

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.

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



W.P.(MD) No.21718 of 2024

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. No costs.

12.09.2024

Index : Yes / No
Internet : Yes / No
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W.P.(MD) No.21718 of 2024

To

- 1.The Regional Passport Officer,
Reginal Passport Office,
Trichirappalli.
- 2.State rep.by
The Inspector of Police,
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N.SATHISH KUMAR, J.

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