



W.P.(MD) No.21679 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.21679 2024

and

W.M.P.(MD)No.18318 of 2024

P.Karthick Raja

...Petitioner

-vs-

1.The Regional Passport Officer,
O/o.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned communication issued by the 1st respondent vide Letter Ref. No.SCN/318213309/24 dated 11.06.2024 and quash the same and consequently directing the 1st respondent to issue passport to the petitioner in pursuance of online application made vide File No.MD1066601191924 dated 25.05.2024.



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For Petitioner	: Mr.M.Murali
For R1	: Mr.S.Karthi Standing Counsel
For R2	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner seeks issuance of passport. He has submitted an application before the jurisdictional passport officer. On considering the same, the first respondent issued a communication dated 22.06.2024 stating that an adverse report has been received from the jurisdictional police station as if the petitioner had involved in criminal case. 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 in the criminal case registered against the petitioner, final report has been filed but it is yet to be taken on file.



4. 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.

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.



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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.

7.This writ petition is allowed on the above terms and the communication issued by the first respondent in Letter Ref.No.SCN/318213309/24, dated 11.06.2024 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

Index : Yes / No
Internet : Yes / No
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To

1.The Regional Passport Officer,
O/o.The Regional Passport Officer,
Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Shanarpatti Police Station,
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N.SATHISH KUMAR, J.

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