



WP(MD). No.22369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.22369 of 2024

Saravanan

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,Bharathi Ula Street,
Race Course Road,Madurai 625 002.

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

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to re-issue of the petitioner passport bearing No. W0821866 to the considering the petitioner application dated 28.08.2024 in File No. MDA 076659746524.

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
For Respondent : Mr.G.Vidya Maheswaran for R1
Mr.M.Vaikkam Karunanidhi for R2
Government Advocate (Crl.Side)



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ORDER

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By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks re-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 criminal cases, 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 cases registered against the petitioner is pending at the FIR stage and the Judicial Magistrate Court, No.II, Ramanathapuram and is yet to be taken on file.

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. 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



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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.

6.Upon the passport authority being satisfied that such an undertaking affidavit being filed before the jurisdictional police, the jurisdictional Regional Passport Officer shall process the petition-



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mentioned application and issue passport subject to fulfilment of the other usual formalities. This writ petition is allowed on these terms. No costs.

20.09.2024

RR

TO
2. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.



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N.SATHISH KUMAR,J

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