



W.P(MD)No.22339 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22339 of 2024

and

W.M.P.(MD)No.18905 of 2024

Rahuleswaran

... Petitioner

Vs.

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

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai, Madurai District.

3.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(in Crime No.171 of 2016)

... 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 pertaining to the impugned notice in Letter Ref.No.SCN/319042471/24, dated 14.08.2024 passed by the 1st respondent and quash the same as illegal, consequently, directing the 1st respondent to issue passport to the petitioner forthwith based on the petitioner's application in File No.MD1066794202924, dated 29.07.2024.



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For Petitioner : Mr.A.Abdulkabur
For R1 : Mr.K.Maharajan,
Central Government Standing Counsel
For R2 & R3 : 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. However, the 1st respondent, vide letter dated 14.08.2024, issued a communication, stating that adverse police verification report is received with remark as the applicant involved in Crime No.171 of 2016 under Sections 147, 148, 323, 324 and 506(ii) IPC on the file of Kottampatti 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.



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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 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.



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7. In view of the above, the impugned communication of the 1st respondent dated 14.08.2024 is quashed. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai, Madurai District.

2. The Inspector of Police,
Kottampatti Police Station,
Madurai District.



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N.SATHISH KUMAR, J

Yuva

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