



W.P.(MD) No.22653 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.22653 2024

V.Arumugam

...Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Vethi,
Race Course Road,
Madurai-620 002.

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

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified mandamus calling for the records relating to the Impugned Show Cause Notice issued by the 1st respondent by his proceedings Letter Ref. No. SCN/319327831/24 dated 27.08.2024 and quash the same and consequently direct the 1st respondent to permit the petitioner to use the renewal passport No. C2440423 issued by the 1st respondent on 20.08.2024.

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For Petitioner : Mr.K.Mahendran
For R1 : Mr.B.Rajesh Saravanan
For R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

Heard both sides.

2.The petitioner obtained a passport in the year 2014. Since the validity of the passport was expired on 21.08.2024, the petitioner made an application before the authorities concerned to renew the same. On receipt of the same, the first respondent re-issued the passport. Thereafter, the first respondent issued a show cause notice dated 27.08.2024 stating that an adverse police verification report is received against the petitioner. Challenging the same, the petitioner has filed this writ petition.

3.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.



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4.The learned counsel for the petitioner submitted that the case registered against the petitioner is only relating to an accident and the petitioner has not involved in any criminal case.

5.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.

6.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

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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.Considering the nature of the offence registered as against the petitioner, even if the petitioner has been charge-sheeted, the same will not be the ground to cancel the passport already issued to the petitioner. Hence, the impugned show cause notice issued by the first respondent in Ref. No. SCN/319327831/24 dated 27.08.2024 is set aside and this writ petition is allowed on these terms. It is needless to mention here that the petitioner shall be permitted to make use of the passport already issued to him. No costs.

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Index : Yes / No
Internet : Yes / No
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To

1.The Regional Passport Officer,
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Bharathi Ula Vethi, Race Course Road,
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2.The Inspector of Police,
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N.SATHISH KUMAR, J.

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