



W.P.(MD) No.22602 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.22602 2024

and

W.M.P.(MD)No.19148 of 2024

Jacklen Mustak

...Petitioner

-vs-

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

2.The Inspector of Police,
Madapam Police Station,
Ramanathapuram District,
(In Crime No.170 of 2022)

...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 pertaining to the impugned notice in letter Ref No.SCN/319002787/24 dated 12.08.2024 passed by the respondent No.1 and quash the same as illegal consequently directing the respondent No.1

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to issue the passport to the petitioner forthwith based on his application in File No.MD1066780358724 dated 24.07.2024.

For Petitioner : Mr.S.Manojkumar
For R1 : Mr.V.S.Karthi
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. 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 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. 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. This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

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

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

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N.SATHISH KUMAR, J.

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