



W.P.(MD)No.23226 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23226 of 2024

Anbarasan

... Petitioner

Vs.

1.The Regional Passport Officer,
Tiruchirapalli New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirapalli 620 018.

2.The Passport Officer,
Passport Seva Kendra
New No.201/7D, Old No.201/7,
Medical College Road,
Next to Kumaran Theater,
Thanjavur 613 007.

3.The Inspector of Police,
Madukkur Police Station,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to re issue a passport by processing the petitioner's application in File NO.TR1076282769724 based on the petitioner's



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explanation /representation dated 23.09.2024 within a time limit stipulated by this Court.

For Petitioner : Mr.A.Sivasubramanian
For Respondents : Mr.G.Vidhya Maheswaran
Central Government Standing Counsel
(for R1& R2)
Mr.M.Vaikkam Karunanidhi (for R3)
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.

6. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional police, the



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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.

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Index : Yes / No

NCC : Yes / No

Rmk

To

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N.SATHISH KUMAR, J.

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