



WP(MD). No.24664 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24664 of 2024

Venkatesh Kumar

... Petitioner

Vs

1. The Regional Passport Officer,
O/o. Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai - 625002,
Tamilnadu..

2. The Commissioner of Police,
O/o. the Commissioner of Police,
K.Pudur, Madurai City..

3. The Inspector of Police,
O/o. Traffic Investigation Wing,
Unite - III
Madurai..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the Respondent No. 1 to renew the petitioners passport in File No.MD



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1076790272524 dated 29.07.2024 by considering the petitioner's representation dated 05.10.2024.

For Petitioner : Mr.SMA Jinnah,
For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

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

2. The writ petition has been filed for a mandamus directing the respondent No. 1 to renew the petitioner's passport in File No.MD 1076790272524 dated 29.07.2024 by considering the petitioner's representation dated 05.10.2024.

3. 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.

4. When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that in the criminal case



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registered against the petitioner, final report has been filed but it is yet to be taken on file.

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 special vakalat in future so that he can be represented by his counsel in



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the proceedings in terms of Section 205 of Cr.P.C.

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7. 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.

19.10.2024

RR

TO

2. The Commissioner of Police,
O/o. the Commissioner of Police,
K.Pudur, Madurai City..

3.The Inspector of Police,
O/o. Traffic Investigation Wing,
Unite - III
Madurai..



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N.SATHISH KUMAR,J

RR

**ORDER
IN
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