



W.P.(MD)No.5009 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5009 of 2025

and

W.M.P.(MD)No.3621 of 2025

Nirmala Saravanan

... Petitioner

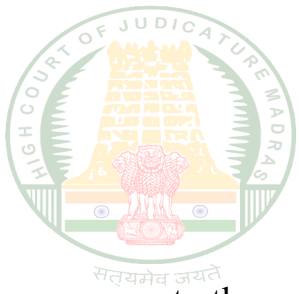
-VS-

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai - 625 002.

2.The Inspector of Police,
Thirunagar Police Station,
Madurai City,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication order issued by the first respondent in his proceedings in Letter Ref. No.SCN/320500693/25, dated 15.01.2025 and quash the same as illegal and consequently, direct the first respondent to renew and reissue passport



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to the petitioner, based on her File No.MD1077175665924, within a stipulated time limit as fixed by this Court.

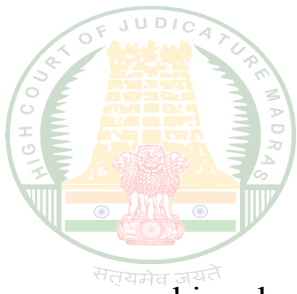
For Petitioner : Mr.S.Sarvagan Prabhu
For R1 : Ms.B.Deepa
Central Government Standing Counsel
For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)

ORDER

With the consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner seeks to quash the impugned clarification letter of the first respondent, dated 15.01.2025 and further seeks a direction to issue a passport to her. She had submitted an application before the jurisdictional passport officer, who, in turn, issued a letter stating that an adverse Police Verification Report had been received concerning the petitioner's application (MD1077175665924), dated 03.12.2024. Therefore, the Passport Officer advised the petitioner to report before



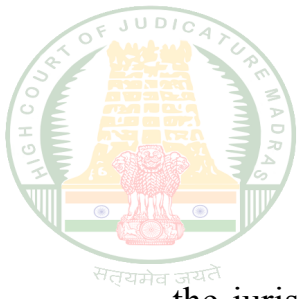
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him along with all the original documents. Apprehending that the application may not be processed due to her involvement in a criminal case, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the second respondent submitted that a case in Crime No.196 of 2024 registered against the petitioner for the offences under Sections 323, 355 and 379 I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 is pending at the F.I.R. stage.

5. It is well settled that when the case is pending only at the F.I.R. stage, there is no impediment for the Regional Passport Officer to grant the relief sought for by the petitioner herein.

6. The petitioner has to appear before the jurisdictional Police and file an affidavit indicating her contact details. The petitioner apart from furnishing her residential address must also give her WhatsApp mobile number, e-mail I.D. This is because, if any adverse final report is filed and the same is also taken on file by



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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 her will not be stalled on account of her absence from India. She should undertake that summons can be served on her through E-mail/WhatsApp. If necessary, the petitioner will have to execute a special Vakalat in future so that she can be represented by her counsel in the proceedings in terms of Section 205 of Cr.P.C.

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.

8. This Writ Petition is disposed of on the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

25.02.2025



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To:-

WEB COPY

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Ministry of External Affairs,
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- 2.The Inspector of Police,
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VIVEK KUMAR SINGH, J.

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