



W.P.(MD)No.5100 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5100 of 2025

Silambarasan

... Petitioner

-VS-

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

2.The Inspector of Police,
Theni Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner, by considering the petitioner's representation dated 10.02.2025 [petitioner's application's file No.MD1077270272525] and to permit the petitioner to go to abroad within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.K.Sathish Kumar



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For R1 : Mr.A.P.Rajasimman
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 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 (Criminal side) submitted that a case in Crime No.488 of 2024 for the offences under Sections 189(2) and 126(2) of the B.N.S., on the file of the second respondent, which has been registered against the petitioner, is pending at the F.I.R. stage.



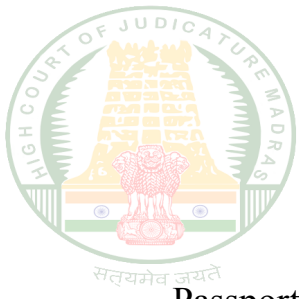
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5. It is well settled that when the case is pending only at the F.I.R. stage, there is no impediment for the Regional Passport Officer to grant the relief sought for by the petitioner herein.

6. The petitioner has to appear before the jurisdictional Police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his 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 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.

7. Upon the passport authority being satisfied that such an undertaking affidavit has been filed before the jurisdictional Police, the jurisdictional Regional



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Passport Officer shall process the petition mentioned application and issue passport subject to fulfilment of the other usual formalities.

8. This Writ Petition is allowed on the above terms. No costs.

NCC : Yes / No

Index : Yes / No

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25.02.2025

To:-

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Government of India,
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VIVEK KUMAR SINGH, J.

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