



W.P.(MD)No.5232 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5232 of 2025

Vallikandan

... Petitioner

-VS-

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross, Trichy.

2.The Inspector of Police,
Kuthalam Police Station,
Mayiladuthurai District.
(Crime No. 172/2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to renew the petitioner's passport by considering his application taken on file as File No.TR1077279194125, within the time that may be stipulated by this Court.

For Petitioner

: Mr.D.S.Haroon Rasheed

For R1

: Mr.G.Vidya Maheswaran
Central Government Standing Counsel



W.P.(MD)No.5232 of 2025

WEB COPY

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 renewal 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) appearing for the second respondent submitted that a case in Crime No.172 of 2019 registered against the petitioner for the offences under Sections 294(b), 324 and 506(ii) of I.P.C. by the second respondent Police, is pending at the F.I.R. stage.

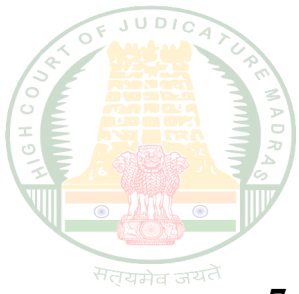


W.P.(MD)No.5232 of 2025

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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.



W.P.(MD)No.5232 of 2025

WEB COPY

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 allowed on the above terms. No costs.

NCC : Yes / No
Index : Yes / No
smn2

27.02.2025

To:-

- 1.The Regional Passport Officer,
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Thillai Nagar 7th Cross, Trichy.
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W.P.(MD)No.5232 of 2025

VIVEK KUMAR SINGH, J.

smn2

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