



W.P.(MD)No.6230 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6230 of 2025

Densingh James

... Petitioner

-VS-

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

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.392 of 2021)

... 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 his explanation dated 27.02.2025, within a period that may be fixed by this Court.

For Petitioner

: Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For R1

: Mr.R.Senthilkumar
Central Government Standing Counsel



WEB COPY



W.P.(MD)No.6230 of 2025

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) appearing for the second respondent submitted that a case in Crime No.392 of 2021 for the offences under Sections 420, 269 and 270 of I.P.C. and Section 15(3) of the Indian Medical Council Act, 1956 and Section 3 of the Disaster Management Act, 2005 registered against the petitioner, is pending at the F.I.R. stage.

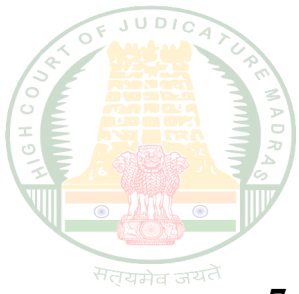


W.P.(MD)No.6230 of 2025

WEB COPY

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.6230 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. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

07.03.2025

To:-

- 1.The Regional Passport Officer,
O/o. the Regional Passport Office,
Bharathi Ula Street,
Race Course Road, Madurai.
- 2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.



WEB COPY



W.P.(MD)No.6230 of 2025

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.6230 of 2025

07.03.2025