



W.P.(MD)No.6285 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6285 of 2025

Samiyayya

... Petitioner

-VS-

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

2.The Inspector of Police,
Musiri Police Station, Trichy 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 notice passed by the first respondent dated 15.02.2025 and to quash the same and consequently, direct the first respondent to re-issue passport to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.B.Vinoth Kumar

For R1 : Mr.C.Nandagopal
Central Government Standing Counsel

For R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal side)



W.P.(MD)No.6285 of 2025

WEB COPY

ORDER

Heard both sides.

2. The petitioner seeks to quash the impugned notice dated 15.02.2025 and to re-issue 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.

3. When the matter was taken up for hearing, the learned Government Advocate (Criminal Side) submitted that a criminal case has been registered against the petitioner in Crime No.1286 of 2020 for the offences under Section 379 of I.P.C. and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, on the file of the second respondent, which is in the F.I.R. stage.

4. 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.

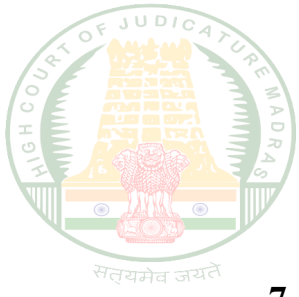


W.P.(MD)No.6285 of 2025

WEB COPY

5. 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.

6. 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.



W.P.(MD)No.6285 of 2025

WEB COPY

7. This Writ Petition is disposed of on the above terms. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.6285 of 2025

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