



W.P.(MD)No.7293 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.7293 of 2025

Sam Reckland Durai

... Petitioner

-VS-

1.The Regional Passport Officer,
The Regional Passport Office,
Barathi Ula Veethi,
Race Course Road, Madurai.

2.The Inspector of Police,
Keelavalavoo Police Station,
Madurai District
(In Crime No.276/2022)

... 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 the passport of the petitioner in Application reference No.MD1067196500524 dated 10.12.2024 within a time limit that may be fixed by this Court.

For Petitioner : Mr.N.Kumar

For R1 : Mr.T.Mahendran
Central Government Standing Counsel

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



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ORDER

Heard both sides.

2. 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.

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.276 of 2022 for the offences under Sections 6(b) and 24(1) of the Cigarettes and Other Tobacco Products Act, 2003, 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.

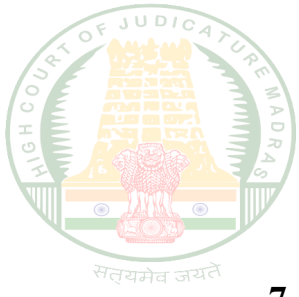


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5. The petitioner has to appear before the jurisdictional Police and file an affidavit indicating his contact details. The petitioner apart from furnishing his residential address must also give his WhatsApp mobile number, e-mail I.D. This is because, 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.



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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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18.03.2025

To:-

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The Regional Passport Office,
Barathi Ula Veethi,
Race Course Road, Madurai.

2.The Inspector of Police,
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VIVEK KUMAR SINGH, J.

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