



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P.(MD)No.21876 of 2021
and
W.M.P.(MD)No.18480 of 2021

Ashik Abdullah

... Petitioner

vs.

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

2. The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai, Madurai, Madurai District.

3. The Inspector of Police,
Kadayam Police Station,
Thenkasi District.

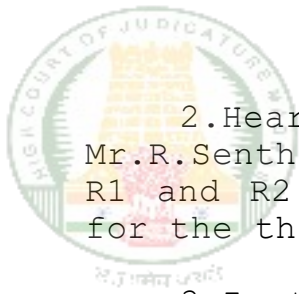
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-issue a passport to the petitioner based upon his passport application File No.MD1073652703121 within the time stipulated by this Court.

For Petitioner	: Mrs.A.Banumathi
For R1 and R2	: Mr.R.Senthil Kumar Central Government Standing Counsel
For R3	: Mr.D.Ghandiraj Special Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents, particularly, the second respondent/the Passport Officer, Madurai to re-issue the passport to the petitioner based on the application File No.MD1073652703121.



2. Heard Mrs.A.Banumathy, learned Counsel for the petitioner, Mr.R.Senthil Kumar, learned Central Government Standing Counsel for R1 and R2 and Mr.D.Ghandiraj, learned Special Government Pleader for the third respondent.

3. In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner had originally been issued with a passport on 09.01.2017 with Passport No.P5812772. Thereafter, he filed an application on 20.10.2021 to re-issue the passport owing to the pages having been exhausted. He was given application File No.MD1073652703121.

4. The first respondent had stated that the third respondent/Inspector of Police, Kadayam Police Station, Thenkasi District, had stated that an FIR in Cr.No.53 of 2020 had been filed for the offence under Sections 294(b), 323, 324 and 506(ii) IPC, which was registered against the petitioner on 29.01.2020.

5. The issue is no longer *res integra*. Registration of FIR cannot be a bar to issue or re-issue passport. FIR is only an information about the commission of an offence and after investigation, the third respondent can even drop the allegations against the petitioner. Even if a final report is filed making out the allegations or the commission of the offence, still the petitioner is deemed to be innocent till proved guilty in manner known to law after due trial.

6. In view of these facts, a direction is issued to the first and second respondents to re-issue the passport to the petitioner. Necessary process must be completed within 15.01.2022.

7. With the said directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Passport Officer,
Melakkal Main Road Passport Office,
Kochadai, Madurai,
Madurai District.

3. The Inspector of Police,
Kadayam Police Station,
Thenkasi District.

+1 CC to M/s.SPL GP (SR-40492[F] dated 27/12/2021)

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-40330[F] dated
23/12/2021)

Order made in
W.P. (MD) No.21876 of 2021

22.12.2021

USK (31.12.2021) 3P 6C