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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **19.12.2022**

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 32742 of 2022

G.Komala

... Petitioner

..Vs..

The State by:

1. The Regional Passport Officer
Chennai Royala Towers
No. 2 & 3, IV Floor,
Old No. 785, New No. 158
Anna Salai, chennai – 600 002.
Tamil Nadu.

2. The Inspector of Police
Arakkonam Taluk Police
Ranipet District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first respondent to consider the petitioner application in file No. MA3064278066922 dated 06.06.2022 and issue passport to her.

For Petitioner :: Mr. C.Chokkalingam

For 1st Respondent :: No appearance

For 2nd Respondent :: Mr. R.Vinothraja

**ORDER**

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The Writ Petition has been filed in the nature of Writ of Mandamus seeking a direction to the first respondent to consider the application of the petitioner in file No. MA3064278066922 dated 06.06.2022 and issue passport to the petitioner herein.

2. In the affidavit filed, the petitioner had stated that she had applied for passport on 06.06.2022 with requisite details. She had received a communication dated 25.07.2022 from the first respondent that according to the second respondent/Inspector of Police, Araakkonam Taluk Police, First Information Report are pending against the petitioner herein. She claimed that she had got married on 29.08.2022 and that her husband is abroad and that she necessarily has to join him abroad.

3. The registration of a FIR, is only the basis of information given to the police officials about the commission of an offence. Till anybody is convicted of the offence, the presumption is that he/she is innocent of such offence.

4. The second respondent has a duty to register a First Information Report and lodge them before the jurisdictional Court. If



investigation has been completed and final report has been filed and taken cognizance by the competent jurisdictional Court, the petitioner can, after giving necessary undertaking to return back can seek permission to go abroad. Mere registration of FIR cannot be a bar to issue a passport.

5. The Writ Petition stands allowed. The first respondent is directed to issue passport after getting report from the second respondent and the second respondent is directed to issue necessary report on or before 15.01.2023 and thereafter, the first respondent is directed to issue passport, if the petitioner satisfies every other criteria within a period of six weeks from that particular date.

19.12.2022

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

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