



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.1713 of 2023

Tamilmaran

.. Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirapalli – 620 018.

2.The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue a passport to the petitioner, by considering his Application No.TR1064770664522 dated 15.11.2022 within the time limit to be stipulated by this Court.



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For Petitioner

.. Mr.M.Vijaya Ragavan

For R1

.. Ms.N.K.Nithila vani

Central Government Counsel

For R2

.. Ms.P.Rajarajeswari,

Government Advocate

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to issue passport to the petitioner herein by considering Application No.TR1064770664522 dated 15.11.2022.

2.The petitioner in his affidavit had stated that he had applied for passport by the aforementioned application on 15.11.2022. He unfortunately found that a First Information Report in Crime No.218 of 2019 under Sections 379, 430 of IPC and also under Section 21(i) of the Mines and Minerals (Development & Regulation) Act, 1957 had been registered against him.

3.It is informed by the learned Government Advocate appearing on



behalf of the 2nd respondent that the matter is at the stage of pending investigation.

4. In view of the pendency of the said First Information Report, the 1st respondent had taken a decision not to issue passport.

5. A person is arrayed as an accused in the First Information Report only on the basis of information received. Consequent to such information received, the Investigation Officer will have to conduct investigation and after conducting investigation, a final report will have to be filed and that final report will have to be taken cognizance by the jurisdictional Magistrate Court and then trial will have to commence and after the trial process, only if conviction is passed by the jurisdictional Magistrate or by any other Sessions Court, a person whose name is found in the First Information Report can be categorized as a convicted person. Till such time, presumption of innocence runs through the criminal jurisprudence of this Country.

6. The petitioner is one of the accused in the aforementioned First



Information Report. Registration of First Information Report cannot be a bar and should not be a bar for grant of passport.

7.The 1st respondent may therefore issue notice to the petitioner and examine him and also get necessary undertakings that if at all the petitioner wants to go abroad on the basis of the passport, he must get necessary permission from the jurisdictional Magistrate if the criminal case is pending or from the Investigation Officer, if the investigation is pending and thereafter, if the petitioner satisfies other rules and regulations proceed to issue the passport. At any rate, the entire exercise should be completed on or before 31.03.2023.

8.With the above observations, this Writ Petition is disposed of. No costs.

16.02.2023

Index: Yes/No
Internet: Yes/No
smv



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To

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2. The Inspector of Police,
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C.V.KARTHIKEYAN,J.

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