



W.P.No.2486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.2486 of 2023

Singaravel

... Petitioner

Versus

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli – 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 reissue a passport to the petitioner based on his application vide No.TR01C5090045122 dated 16.11.2022, within the time limit to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For R1 : Mr.G.Baskaran,
Central Government Standing Counsel

For R2 : Mr.Mohammed Sathik, Government Advocate



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ORDER

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The Writ Petition has been filed raising a grievance that consequent to the registration of the First Information Report in Crime No.98/2022 registered on 26.03.2022 by the 2nd respondent/Inspector of Police, Anaikaranchathiram Police Station at Mayiladuthurai District under Sections 147, 148, 294(b), 324 and 307 IPC, the 1st respondent had rejected the application of the petitioner herein seeking reissue of a passport.

2. Application for reissue of passport has been filed on 16.11.2022, vide Application No.TR01C5090045122.

3. The petitioner is the holder of an Indian Passport No.K1947426, which had been issued on 06.12.2012. The petitioner had applied for renewal of passport in the Month of December 2022.

4. It is represented by the learned Central Government Standing Counsel for the 1st respondent that in the particular column to disclose



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whether any criminal case is pending or registered against him, the petitioner, for reasons which he alone can divulge had stated “no”.

However, the 1st respondent were quite persistent and they went around searching for information and they found about the aforementioned FIR being registered against the petitioner herein.

5. The Writ Petition has been filed in the nature of a Writ of Mandamus seeking reissue of passport.

6. It is made clear that mere registration of a First Information Report cannot categorize the person arrayed therein as an accused has been convicted of such offence. Consequent to registration of FIR, investigation will have to be done. Consequent to the investigation, Final Report will have to be filed. Consequent to the Final Report, the jurisdictional criminal Court will have to take cognizance of the same. Thereafter, the trial process will have to continue and then, only when the petitioner is convicted of the offence can he be categorized as a person who committed such offence. Till such time, the presumption of innocence runs through the criminal jurisdiction of this Court.



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7. Let the petitioner approach the 1st respondent office on any date between 14.02.2023 to 16.02.2023 between 9.30 a.m., and 12.00 p.m. The dates and times are stated in the presence of the learned Central Government Standing Counsel for the 1st respondent and I am confident that the learned counsel would passover this particular information.

8. On appearance, the 1st respondent may examine the petitioner and after obtaining due satisfaction proceed further if the petitioner is otherwise eligible and not disqualified, to reissue the passport within a further period of three weeks from that particular date of his appearance.

9. The Writ Petition stands disposed of with the above observation.

No order as to costs.

02.02.2023

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Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No



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To:

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C.V.KARTHIKEYAN,J.

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