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W.P.No.261 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

**W.P.No.261 of 2021
and W.M.P. No.336 of 2021**

A.Mohan

..Petitioner

Vs

1.Regional Passport Officer,
Regional Passport Office,
Passport Seva Kendra,
Claret Complex,
Duraismy Reddy Street,
Tambaram, Chennai – 45.

2.The Inspector of Police,
Selaiyur Police Station,
Chennai – 45.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider and grant passport renewal in respect of the petitioner's passport renewal application No.MA3072972452320 unbiased by the negative police verification report given by the second respondent based on the FIR in Crime No.861/2020 dated 13.07.2020.



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For Petitioner : Mr.D.Saikumarran
For Respondents : Mr.K.Suresh,
Government Advocate for R2
No appearance for R1

ORDER

This writ petition has been filed in the nature of mandamus seeking a direction to the first respondent/ Regional Passport Officer at Tambaram in Chennai, to consider and grant renewal of the passport of the petitioner in File No. MA3072972452320 which has been held back by the first respondent consequent to registration of first information report in Crime No.861 of 2020 on 13.06.2020 by the second respondent/ Inspector of Police, Selaiyur at Chennai.

2. In the affidavit filed in support of the writ petition, the petitioner had stated that he held the post of Municipal Chairman at Madambakkam Panchayat for several decades. He also stated that he has done several social welfare activities. He was issued with old passport No.J2453818 on 21.09.2010 by the first respondent. It was due for expiry on 20.09.2020. He had applied for renewal on 13.07.2020. However, it came to the knowledge of the first respondent that the second respondent had registered First Information Report in Crime No.861 of 2020 as against the petitioner and others under Sections 147, 294(b), 323 and 506(1)



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3. The petitioner claims that he had filed O.S.No.74 of 2020 before the District Munsif Court, Chengalpet against the defacto complainant, who had lodged the complaint before the second respondent. The trial Court had also granted an order of interim injunction in I.A. No.327 of 2020. It is also stated in the relief sought that the second respondent had given a negative police verification.

4. Even otherwise, mere pendency of First Information Report can never categorise any person, who is arrayed as an accused, as having been convicted for the commission of any offence. Conviction will arise only when there is trial. Trial will arise only when final report is filed. Final report will be filed only when there is investigation of the offence alleged in the First Information Report. The First Information Report is only an information received by the jurisdictional police about the commission of an offence necessitating investigation. The presumption of innocence is central to criminal jurisprudence in this country. Therefore, the registration of a First Information Report cannot be a ground to refuse to issue passport or to renew



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the passport as in this case.

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5. A direction is therefore given to the first respondent to consider the application of the petitioner and to obtain necessary undertaking as required.

6. In view of the above reasoning, a direction is given to the first respondent to renew the passport of the petitioner and if required, the petitioner shall make a fresh application through online in accordance with rules, otherwise the said application shall be processed and renewal shall be made in accordance with rules on or before 17.02.2023.

7. With the above observation, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.01.2023

Index: Yes/No
Neutral Citation: Yes/No
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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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