



W.P(MD)No.5009 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5009 of 2023

A.Jabarullakan

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex, Thillai Nagar 7th Cross,
Tiruchirappalli - 620 018.
2. The Superintendent of Police,
O/o. the Superintendent of Police,
Pudukkottai.
3. The Inspector of Police,
Mimisal Police Station,
Pudukkottai District
(In Crime No.260 of 2020).

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice in Letter Ref. No. SCN/313403193/22, dated 27.09.2022 passed by the respondent No.1 and



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quash the same as illegal, consequently directing the respondent No.1 to issue the passport to the petitioner forthwith based on his application in File No. TR2074521887522, dated 24.08.2022.

For Petitioner	: Mr.A.Mohamed Riyaz
For R1	: Mr.S.Pon Senthil Kumar Standing Counsel
For R2, R3	: Mr.R.M.Sethuraman Additional Public Prosecutor

ORDER

Heard, Mr.A.Mohamed Riyaz, the learned counsel appearing for the petitioner, Mr.S.Pon Senthil Kumar, learned Standing Counsel appearing for the first respondent and Mr.R.M.Sethuraman, learned Additional Public Prosecutor appearing for the second and third respondents.

2.This Writ Petition has been filed in the nature of certiorarified Mandamus seeking records relating to the notice in letter No.SCN/313/403193/2022, dated 27.09.2022 issued by the first respondent and to quash the same.



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3.The petitioner had given an application seeking passport in File No.TR2074521887522 on 24.08.2022. The first respondent had rejected the claim of the petitioner, since he had received an adverse report from the third respondent/Inspector of Police, Mimisal Police Station. It is claimed that the petitioner is an accused in Crime No.260 of 2020, which had been registered on 02.06.2020, for the offence punishable under Sections 143, 283, 269, 271 of Indian Penal Code, 1860. It had been stated that consequent to the information received, an FIR had been registered that the petitioner herein along with others had violated the Lock-down restrictions imposed by the Government.

4.It is trite in law to point out that merely stating the name of a person in FIR would not amount that the said individual is a convicted accused. The FIR is registered based on the information. Thereafter, the Investigating Officer will have to examine the allegation and if satisfied, should file a final report. The final report will have to be taken cognizance by the learned Judicial Magistrate. Thereafter, the trial process will have to commence and proceed. Till that time the presumption of innocence runs. Merely considering the name of the petitioner in FIR, the first respondent



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cannot deny issuance of passport. The petitioner has to explain all these facts to the first respondent, thereafter, if the petitioner satisfies all other formalities, the first respondent has to proceed to issue passport to the petitioner. The said exercise should be completed on or before 15.04.2023.

5. With the above directions, this Writ Petition stands disposed of.

No costs.

09.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

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Tiruchirappalli - 620 018.
2. The Superintendent of Police,
O/o. the Superintendent of Police,
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(In Crime No.260 of 2020).

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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