



W.P(MD)No.5153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.5153 of 2023
and WMP(MD)No.4854 of 2023

H.Faizal Khan

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross, Tiruchirapalli - 620018.
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. 63 of 2017 and 381 of 2021).

... 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.



W.P(MD)No.5153 of 2023

SCN/313326453/22, dated 15.09.2022 passed by the first respondent to reissue the passport to the petitioner forthwith based on his application in File No. TR2074472935522, dated 05.08.2022.

For Petitioner	:Mr.A.Mohamed Riyaz
For R1	:Mr.V.Malaiyendran Standing Counsel
For R2 and R3	:Mr.N.Muthuvijayan Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to the impugned notice in Letter Ref. No. SCN/313326453/22, dated 15.09.2022 passed by the first respondent and to interfere with the same and direct the first respondent to reissue the passport to the petitioner, based on his application in File No. TR2074472935522, dated 05.08.2022.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had applied for passport by the aforementioned application number. It was sent for police verification and it was found that two FIRs in Crime Nos. 63/17, 381/21 were registered against the petitioner



W.P(MD)No.5153 of 2023

herein by the third respondent/Inspector of Police, Mimisal Police Station,
Pudukkottai District.

3.The learned Special Government Pleader had stated that in the
aforementioned cases, investigation has been completed and charge sheets
have also been filed, but the same have not been taken on file.

4.It is trite in law to point out that merely stating a name of a
person in the FIR would not categorise the said individual as a convicted
accused. The FIR is registered based on information. However, the
presumption of innocence runs till judgment of conviction is passed. It
cannot be a bar for the respondents to grant passport.

5.A direction is given to the first respondent to issue notice to the
petitioner and get an indemnity bond from him stating that he would co-
operate during the course of trial and would not abscond. On such
undertaking and if the petitioner satisfies other formalities, the first
respondent has to proceed to issue passport to the petitioner. The said
exercise should be completed within a period of twelve weeks, from the date



W.P(MD)No.5153 of 2023

of receipt of a copy of this Order.

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6. With the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

31.03.2023

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

PNM

To

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W.P(MD)No.5153 of 2023

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.5153 of 2023
and WMP(MD)No.4854 of 2023

31.03.2023