



W.P(MD)No.5378 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5378 of 2023

Mr.Vengateshwaran

... Petitioner

Vs.

1.The Regional Passport Officer,
Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The State
Rep. by the Inspector of Police,
Y.Othakadai Police Station,
Y.Othakadai,
Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent



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to issue the passport having application No.MD1064464414322 dated 03.08.2022 based on the representation dated 13.10.2022.

For Petitioner : Mr.S.Sarvagan Prabhu
For R1 : Mr.R.Senthil Kumar
Standing Counsel
For R2 : Mr.R.M.Sethuraman
Additional Public Prosecutor

ORDER

Heard the learned counsel appearing for the petitioner, learned Standing counsel appearing for the first respondent and the learned Additional Public Prosecutor appearing for the second respondent.

2. The petitioner had applied for passport in Application No.ND1064464414322, dated 03.08.2022.

3. The first respondent has still not processed the said application. Seeking passport the petitioner had filed the present writ petition in the nature of mandamus seeking such direction.



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4. It is informed that an FIR had been registered against the petitioner herein under Section 294(b), 324, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2007, on the file of the second respondent.

5.The learned Additional Public Prosecutor appearing for the respondents states that consequent to the investigation, final report had been filed before the learned Judicial Magistrate, Melur, but not yet taken cognizance. Mere filing of FIR cannot categorize the petitioner as a convicted person.

6. In view of the above, a direction is given to the first respondent to process the petitioner's passport application and pass orders within a period of six weeks from the date of receipt of a copy of this order. The petitioner may be called to give necessary undertaking and if all, the trial proceeds before the learned Judicial Magistrate, Melur, that he will not leave the country without the permission from the said Magistrate.



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7. The writ petition is disposed of with the above direction.

No costs.

14.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

am

To

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Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
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2.The Inspector of Police,
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C.V.KARTHIKEYAN, J.

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