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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

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

W.P.(MD)No.5808 of 2023

and

W.M.P.(MD)No.5378 of 2023

Vignesh

... Petitioner

vs.

1.Regional Passport Officer,
Regional Passport Office Tiruchirapalli,
New Municipal Complex,
Thillainagar 7th Cross,
Tiruchirappalli.

2.Superintendent of Police,
Pudukottai, Pudukottai District.

3.The Inspector of Police,
Nagudi Police Station,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to the impugned proceedings in the letter vide Ref.No.SCN/313921193/22, dated 15.12.2022 and to quash the same as illegal and to direct the first



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respondent to issue passport based on the petitioner's representation which was given in person, dated 05.01.2023 within the time that may be stipulated by this Court.

For Petitioner	:Mr.Ramanathan
For R1	:Mr.G.Rajaraman Central Government Standing Counsel
For R2 and R3	:Mr.J.Ashok Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus with respect to the notice issued by the first respondent, dated 15.12.2022 calling upon the petitioner to appear for an enquiry, since according to the first respondent, an FIR was registered against the petitioner herein.

2.Heard Mr.Ramanathan, learned Counsel for the petitioner, Mr.G.Rajaraman, learned Central Government Standing Counsel for the first respondent and Mr.J.Ashok, learned Additional Government Pleader for the second and third respondents.



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3.It had been stated by the learned Additional Government Pleader appearing on before of second and third respondents that an FIR in Cr.No.167/2022 had been registered against the petitioner on 10.08.2022 by the third respondent for offence under Sections 294(b) and 324 IPC. The matter is still pending at investigation stage.

4.A direction is therefore given to the petitioner herein to appear before the first respondent when the first respondent issues a fresh notice to the petitioner and the petitioner may give necessary undertaking that he would give the details about any summons, if any, received by him from the competent Magistrate Court. But merely naming the petitioner in the FIR cannot be a ground to disentitle the petitioner for passport and accordingly, a direction is given to the first respondent that they may get necessary undertaking from the petitioner herein and thereafter, proceed to issue the passport to the petitioner, if the petitioner is otherwise eligible, within a period of four weeks from the date of appearance of the petitioner consequent to the notice, which should be issued within a period of two weeks from the date of receipt of a copy of this order.



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5.The Writ Petition stands disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

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

10.04.2023

cmr

To

1.Superintendent of Police,
Pudukottai, Pudukottai District.

2.The Inspector of Police,
Nagudi Police Station,
Pudukottai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.5808 of 2023

10.04.2023