



W.P(MD)No.5736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5736 of 2023

Manikandan Ayyanar

... Petitioner

Vs.

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

2.The Inspector of Police
Ambasamudram Police Station,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein to issue passport to the petitioner as per his application in File No.MD2064185172722 dated 05.05.2022.



W.P(MD)No.5736 of 2023

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For Petitioner : Mr.G.Ramanathan

For Respondents : Mr.Karthikeya Venkatachalapathy- for R1

Mr.R.M.S.Sethuraman, - for R2

Additional Public Prosecutor

ORDER

The writ petition has been filed in the nature of a Mandamus seeking consideration of the application filed by the petitioner to issue passport in file No.MD2064185172722 dated 05.05.2022.

2. The petitioner, is a resident of Ambasamudram in Tirunelveli District. He is working in a Private Company dealing with Micro Finance. He had applied for a job abroad and he had applied for passport on 05.05.2022 and his application number is MD2064185172722. He had received a communication from the first respondent / Regional Passport Office at Madurai, that an adverse police report had been received by them.



W.P(MD)No.5736 of 2023

WEB COPY

3. It had been stated that FIR in Crime No.334 of 2017 had been registered against the petitioner for offences under Sections 143, 188, 283 and 341 IPC by the second respondent / Inspector of Police, Ambasamudram Police Station. It has to be stated that inclusion of a person in FIR cannot categorize such person as a convicted accused. The FIR is registered only on information received. Further investigation has to be done and the trial process has to go on.

4. In the instance case, consequent to the fact that the final report had not been filed within the stipulated period as enacted under Section 468 of Code of Criminal Procedure, the FIR itself has been closed and order to that effect had been forwarded by the learned Additional Public Prosecutor appearing for the second respondent.

5. In view of this particular fact, since there is no hindrance so far as the FIR in Crime No.334 of 2017 is concerned, the first respondent may proceed to examine the application filed by the petitioner herein, for issuance of passport, if the petitioner satisfies other rules and regulations. The entire exercise by the first respondent shall be



W.P(MD)No.5736 of 2023

completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands allowed.

No costs.

16.03.2023

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

RM

To

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

2. The Inspector of Police
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W.P(MD)No.5736 of 2023

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.5736 of 2023

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