



W.P(MD)No.5862 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5862 of 2023

V.Muthukumar

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross street,
Trichy, Trichy District.

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to issue passport to the petitioner based on his application in File No.TR1065148264123 dated 23.02.2023 within a time as stipulated by this Court.

For Petitioner : Mr.P.Gunasekaran

For R1 : Mr.T.Balaji Krishnaswamy

For R2 : Mr.N.Muthuvijayan
Special Government Pleader



W.P(MD)No.5862 of 2023

ORDER

This writ petition has been filed in the nature of Writ of Mandamus seeking a direction against the first respondent/ Regional Passport Officer, Trichy, to issue passport to the petitioner based on the application in file No.TR1065148264123 dated 23.02.2023.

2. The petitioner had applied for passport by the aforementioned application. He received information from the first respondent that due to pendency of First Information Report in Crime No.211/2015 on the file of the second respondent / Inspector of Police, Pappanadu Police Station, Thanjavur District, the issuance of passport could not be considered.

3. It has stated by the learned Special Government Pleader that the FIR in Crime No.211 of 2015 had been registered on 12.08.2015 by the second respondent under Section 294(b), 324 and 506(2) of IPC. It is stated that still enquiry is on going. It is trite in law to point out that even if the name is mentioned in the First Information Report, a person cannot be categorized as a convicted accused. The presumption of innocence runs strong in criminal jurisprudence.



W.P(MD)No.5862 of 2023

4. A direction is issued to the first respondent to process the application of the petitioner and proceed to issue passport, if the petitioner is otherwise eligible, within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of. No costs.

11.04.2023

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

pnn

To

- 1.The Regional Passport Officer, Regional Passport Office,
New Municipal Complex, Thillai Nagar 7th Cross street,
Trichy, Trichy District.
- 2.The Inspector of Police, Pappanadu Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.5862 of 2023

C.V.KARTHIKEYAN, J.

pnn

W.P(MD)No.5862 of 2023

11.04.2023