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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.5925 of 2023

M.Bharath

... Petitioner

vs.

1.The Passport Officer,
Regional Passport Office,
Barathi Ula Veethi, Race Course Road,
Madurai, Tamilnadu.

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to issue passport to the petitioner through his application No.MD1064812170922, dated 28.11.2022 within the stipulated time.

For Petitioner	:Mr.V.Muthumani
For R1	:Mr.A.Srinivasan Central Government Standing Counsel
For R2	:Mr.J.Ashok Additional Government Pleader



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ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking for a direction to the first respondent to issue passport to the petitioner consequent to an application made on 28.11.2022.

2.Heard Mr.V.Muthumani, learned Counsel for the petitioner, Mr.A.Srinivasan, learned Central Government Standing Counsel for the first respondent and Mr.J.Ashok, learned Additional Government Pleader for the second respondent.

3.The first respondent on receipt of a report of the Police verification had informed that an FIR in Cr.No.305 of 2022 had been registered by the second respondent for the offence under Sections 143 and 268 of IPC.

4.It is stated by the learned Additional Government Pleader that consequent to investigation, final report had also been filed before the jurisdictional Magistrate, but had not taken cognizance.



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5. It is trite in law to point out categorizing a person in a first information report would certainly not draw a presumption that he is a convicted accused. The prosecution will have to travel a long path after investigation, by testing the evidence during trial and thereafter, a judgment will have to be passed. The petitioner is certainly not disentitled for grant of passport and a direction is given to the first respondent to follow the due procedure and if the petitioner is otherwise eligible, issue passport within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of. No costs.

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

10.04.2023

cmr

To

The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.5925 of 2023

10.04.2023