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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM

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

W.P.(MD)No.5902 of 2023

Niyas Ahamed

... Petitioner

vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli-620 018.

2.The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.

... 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 by processing his application in File No.TR1075035992323 based on the explanation/representation, dated 10.03.2023 within a time limit stipulated by this Court.

For Petitioner	:Mr.B.Anandhan
For R1	:Mr.K.Kuttalanathan
For R2	:Mr.N.Muthu Vijayan
	Special Government Pleader



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ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the first respondent/Regional Passport Officer, Trichy, to issue passport consequent to his application in File No.TR1075035992323.

2.Heard Mr.B.Anandhan, learned Counsel for the petitioner, Mr.K.Kuttalanathan, learned Counsel for the first respondent and Mr.N.Muthu Vijaya, learned Special Government Pleader for the second respondent.

3.The petitioner had applied for passport. He was then informed that an FIR in Cr.No.198 of 2021 had been registered by the second respondent/Inspector of Police, Pattukottai Town Police Station, Thanjavur, for the offences punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC. The petitioner had given an explanation on 10.03.2023.



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4.A status report had been filed by the learned Special Government Pleader on behalf of the second respondent, wherein, it had been stated that consequent to investigation, final report had been filed before the jurisdictional Magistrate Court at Pattukottai, but it had not been taken cognizance.

5.It is trite in law to point out that even if a name is found in the FIR, the presumption of innocence runs strong and deep in criminal jurisdiction till the person is actually convicted for the offence. Merely because, an FIR has been registered it cannot be a ground for refusal to issue passport.

6.If the petitioner is eligible in all other circumstances, a direction is given to the first respondent to process the application of the petitioner and get necessary undertaking if any as required, and proceed to issue the passport, if the petitioner is otherwise eligible. The entire exercise should be completed within a period of four weeks from the date of receipt of a copy of this order.



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

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

12.04.2023

cmr

To

The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.5902 of 2023

12.04.2023