



W.P(MD)No.6532 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6532 of 2023

M.Jayarani

... Petitioner

Vs

1. The Regional Passport Officer,
Tiruchirapalli Municipal Water Tank Building,
W.B.Road, Tiruchirapalli- 620008.

2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai 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 renew the petitioner's passport No.L3670509, as per the Application No. 23-1003283439, dated 14.03.2023 within a time stipulated by this Court.

For Petitioner : Mr.N.Balakrishnan

For R1 : Mr.C.Nanda Gopal
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 Mandamus, seeking a direction against the first respondent/Regional Passport Officer, Tiruchirapalli to renew the passport of the petitioner bearing No.L3670509, consequent to Application No.23-1003283439, dated 14.03.2023, given by the petitioner herein.

2.The petitioner was a holder of passport No.L3670509. It had been issued by the first respondent. It is going to expire on 15.08.2023. The petitioner had filed an application seeking renewal in Application No. 23-1003283439, on 14.03.2023. It was informed that an FIR in Crime No. 371 of 2022 had been registered by the second respondent, under Sections 147, 148, 342, 294(b), 323, 324, 506(2) IPC and Section 4 of TNPHWA of 2002. It had been further stated that after investigation, the second respondent had filed a final report before the Judicial Magistrate, Keeranaur but the same has not been taken cognizance by the learned Judicial Magistrate.

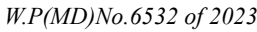


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3.Heard, Mr.N.Balakrishnan, learned counsel appearing for the petitioner, Mr.C.Nanda Gopal, learned Standing Counsel appearing for the first respondent and Mr.J.Ashok, learned Additional Government Pleader appearing for the second respondent.

4.The presumption of innocence runs through the criminal jurisdiction of this Court. It is trite law to point out that merely stating the name of a person in FIR, would not amount that the said individual is a convicted accused. The FIR is registered based on the information. Thereafter, the Investigating Officer will have to examine the allegations and if satisfied, should file a final report. The final report will have to be taken cognizance by the learned Judicial Magistrate. Thereafter, the trial process will have to commence and proceed. Till that time, the presumption of innocence runs. It is not a bar for renewal of passport, merely considering the name of the petitioner in FIR.

5.A direction is given to the first respondent to issue notice to the petitioner, within a period of five working days, from the date of receipt of a copy of this order and get necessary undertaking from the petitioner that she



However, it cannot be a reason not to renew the passport. The petitioner is entitled for renewal of passport. The said exercise should be completed within a period of ten working days, from the date of issuance of notice and appearance of the petitioner.

6. With the above directions, this Writ Petition stands disposed of.

No costs.

06.04.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

Note: Issue order copy on 11.04.2023

To

1. The Regional Passport Officer,
Tiruchirapalli Municipal Water Tank Building,
W.B.Road, Tiruchirapalli- 620008.
2. The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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