



W.P.(MD) No.6699 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.6699 of 2023

Raman

... Petitioner

vs.

- 1.The Regional Passport Officer
Regional Passport Office
New Municipal Complex
Thillai Nagar 7th Cross
Tiruchirapalli-620 018
- 2.The Passport Seva Kendra Officer
(Thanjavur)
New No.201/7D, Old No.201/7
Medical College Road
Next to Kumaran Cinema Theatre
Thanjavur-613 007
- 3.The Inspector of Police
Keeramangalam Police Station
Pudukkottai District
(Crime No.61 of 2019)

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first and second respondents to re-issue of petitioner's passport bearing No.L0072388 on the basis of petitioner's application File No.TR1074782012322, based on the petitioner's representation dated 18.03.2023, within the time stipulated by this Court.

For Petitioner : Ms.A.Banumathi

For Respondents : No appearance for R1 & R2
Mr.J.Ashok
Additional Government Pleader for R3

ORDER

This writ petition has been filed in the nature of mandamus seeking direction to the respondents 1 and 2 to re-issue passport bearing No.L0072388 to the petitioner.

2. The petitioner had filed an application in file No.TR1074782012322. The petitioner had also given a representation to the respondents on 18.03.2023.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the third respondent.



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4. The petitioner is a holder of passport bearing No.L0072388.

The petitioner has sought for re-issuance of his passport and had given an application in this regard. The respondents have stated that they had received an information that F.I.R. in Crime No.61 of 2019 had been registered against the petitioner under Sections 294(b), 324 and 506(ii) I.P.C. This writ had been held over to get a report regarding investigation done with respect to the averments made in the said first information report.

5. Learned counsel for the petitioner had gone over to the District Munsif-cum-Judicial Magistrate Court, Lalgudi, where the F.I.R. has been lodged and had obtained a report from the said Court that the final report has not yet been filed by the respondents herein.

6. At any rate, a F.I.R. is registered only on the basis of information received. It does not automatically categorize the accused as having been convicted for the alleged offences. Conviction follows after a long process of investigation, filing of final report, taking cognizance of the final report, framing of charges, trial and then, passing of judgment. The petitioner cannot be disqualified only on the basis that his name is found in the First Information Report.



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7. A direction is issued to the first respondent to issue notice to the petitioner and take the application already filed on record and get necessary undertaking from the petitioner that if at all final report is filed, then if at all he wants to go abroad, then he would seek necessary permission from the jurisdictional Magistrate Court. If the petitioner is, otherwise, eligible, the first respondent may proceed to issue passport to him, within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above direction. No costs.

03.04.2023

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

krk

To:
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.



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C.V.KARTHIKEYAN, J.

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