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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.7391 of 2023

Ajay

... Petitioner

vs.

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

2.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(in Cr.No.1531/2020)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue a passport to the petitioner based on his application for issuance of an Indian passport dated 03.03.2023 in file Number TR1065133605523 on the file of the first respondent.



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For Petitioner :Mr.R.Balamuruganantham
For R1 :Mr.R.Senthil Kumar
Central Government Standing Counsel
For R2 :Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to issue passport based on the application, dated 03.03.2023 by the petitioner herein.

2.Heard Mr.R.Balamuruganatham, learned Counsel for the petitioner, Mr.R.Senthil Kumar, learned Central Government Standing Counsel for the first respondent and Mr.N.Muthu Vijayan, learned Special Government Pleader for the second respondent.

3.The petitioner was issued with a notice by the first respondent stating that an FIR had been registered against the petitioner herein. The second respondent had registered an FIR in Cr.No.1531 of 2020 for the offence under Section 294(b), 324, 427 and 506(ii) of IPC against the



petitioner and others. It is stated by the learned Special Government Pleader that investigation is still in process.

4.It is trite in law to point out that mere mentioning of a name in the FIR cannot categorise a person as convicted accused. Presumption of innocence runs through criminal jurisdiction in this country.

5.A direction is given to the first respondent to once again issue notice to the petitioner within a period two weeks from the date of receipt of a copy of this order and examine the records of the petitioner and if the petitioner is otherwise eligible for issuance of passport, proceed to issue to the petitioner within a further period of two weeks.

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

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

10.04.2023



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



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.7391 of 2023

10.04.2023