



W.P(MD)No.7459 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.7459 of 2023

Asif Siddique

... Petitioner

Vs

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai- 625 002.
2. The Superintendent of Police,
District Police Officer,
Kanyakumari District.
3. The Inspector of Police,
Thuckaly Police Station,
Kanyakumari District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to issue passport in respect of petitioner's application in File No. MD2064027997122 dated 11.03.2022 with in a stipulated time prescribed by this Court.



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For Petitioner	:Mr.S.Jebastin
For R1	:Mr.R.Senthilkumar Standing Counsel
For R2, R3	:Mr.J.Ashok Additional Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus, seeking a direction against the first respondent/Regional Passport Officer, Madurai, to issue a passport, consequent to the petitioner's application in File No. MD2064027997122, dated 11.03.2022.

2.The petitioner had completed his school education and taken a decision to go abroad, consequent to the financial situation in his family. He applied for passport. The first respondent had issued notice to him stating that there was a FIR registered against the petitioner herein. A FIR had been registered by the third respondent in Crime No.120 of 2018, under Sections 295(b), 341, 324, 506(ii) IPC on 30.03.2018.

3.It is stated that consequent to the investigation, final report had been filed before the Judicial Magistrate, Thuckalay, Kanyakumari District.



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But the same has not yet been taken on file. The petitioner is also shown as an accused.

4.It is trite in law to point out that merely stating the name of a person in FIR would not amount to present that the said individual is a convicted accused. The FIR is registered on information. However, the presumption of innocence runs till conviction. It is not a bar for the petitioner to be granted with passport.

5.A direction is given to the first respondent to issue notice to the petitioner and get necessary undertaking from him that before going abroad he would get necessary permission from the concerned Court, where the trial is conducted. If the petitioner satisfies all other formalities, the first respondent has to proceed to issue passport to the petitioner. The said exercise should be completed within a period of twelve weeks, from the date of receipt of a copy of this Order.



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

No costs.

03.04.2023

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

PNM

To

1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road, Madurai- 625 002.
2. The Superintendent of Police,
District Police Officer,
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3. The Inspector of Police,
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C.V.KARTHIKEYAN,J.

PNM

ORDER IN
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