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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.7629 of 2023

Murugesan

... Petitioner

-VS-

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

2.The State represented by
The Inspector of Police,
Malaiyur Police Station,
Pudukottai 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 based on the petitioner's Application No.TR1064719976322, dated 27.10.2022.

For Petitioner	:Mr.D.Rameshkumar
For R1	:Mr.R.Sankararaman
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 to issue passport to the petitioner on the basis of the application No.TR1064719976322, dated 27.10.2022.

2.Heard Mr.D.Rameshkumar, learned Counsel for the petitioner, Mr.R.Sankaranarayan, learned Counsel for the first respondent and Mr.N.Muthu Vijayan, learned Special Government Pleader for the second respondent.

3.The petitioner had applied for passport by the aforementioned application. He was then informed that an FIR in Cr.No.18 of 2020 had been registered by the second respondent/Inspector of Police, Malaiyur Police Station, Pudukottai District, for the offences under Section 294(b) and 323 IPC.

4.The learned Special Government Pleader had forwarded a status report wherein, it is stated that consequent to investigation, final report



had been filed before the Judicial Magistrate, Alangudi, but the same had not yet been taken cognizance.

5.However, the presumption of innocence runs deep and strong in criminal jurisprudence, even if the person is arrayed as accused in the FIR. This presumption runs till the date of conviction. There is no bar in issuance of passport. If the petitioner is otherwise eligible, the first respondent is directed to proceed further in processing the application and issue passport within a period of six weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of. No order as to costs.

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

12.04.2023

cmr

To

The Inspector of Police,
Malaiyur Police Station,
Pudukottai District.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.7629 of 2023

12.04.2023