



W.P(MD)No.7691 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7691 of 2023

Antony Bruce

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race course Road,
Madurai.

2.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

3.The Inspector of Police,
District Crime Branch,
Nagercoil,
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 against the petitioner's application vide file No.MD 2075145269923 dated 07.03.2023.



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W.P(MD)No.7691 of 2023

For Petitioner : Mr.K.P.Narayanakumar
For R1 : Mr.P.Murugesan
Central Government Standing Counsel
For R2 and R3 : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the first respondent / Regional Passport officer, Madurai, to issue passport consequent to the application filed by the petitioner in File No.MD2075145269923 dated 07.03.2023.

2. The petitioner had applied for online renewal of his passport by the aforementioned application. He was issued with a show cause notice by the first respondent that Crime No.5 of 2021 had been registered by the third respondent, Inspector of Police, District Crime Branch, Nagercoil at Kanyakumari District and sought an explanation. It had been stated that the said FIR had been registered under Sections 120(b), 419, 420, 465 , 468 and 471 of IPC, based on a complaint given by one Edwin Johnson on 08.01.2021. It is stated by the petitioner that the issue was only with respect to a dispute relating to a pathway.



W.P(MD)No.7691 of 2023

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3. It is also stated that the petitioner had filed CrI.O.P(MD)No.15048 of 2021, questioning the registration of the FIR and this Court had ordered as follows by an order dated 05.10.2021.

"After hearing the learned counsel for the petitioner, notice is ordered to the 2nd respondent returnable by 24.11.2021. Private notice is also permitted.

In the meantime, let the status report be filed along with CD file. Investigation may go on and subject to the result of this petition, final report shall be filed."

The learned counsel for the petitioner stated that enquiry is still pending.

4. In view of these facts, since presumption of innocence runs strong in criminal jurisprudence of this country, a direction is given to the first respondent to once again issue notice to the petitioner herein and on receipt of the same, the petitioner may produce the order of the High Court aforementioned and thereafter if the petitioner is otherwise eligible, the first respondent may proceed to renew the passport. The entire exercise to be completed on or before 28.04.2023. The first respondent may issue notice to the petitioner for the personal appearance on 20.04.2023 and if the petitioner is otherwise eligible, renew the passport on or before 28.04.2023. This short time



W.P(MD)No.7691 of 2023

is given since it is stated that the niece of the petitioner is to get married at Dubai in the first week of May, 2023.

5. This writ petition is disposed of. No costs.

17.04.2023

NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

Note: Issue order copy on **18.04.2023**

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To

- 1.The Regional Passport Officer, Regional Passport Office,
Madurai Bharathi Ula Veethi, Race course Road, Madurai.
- 2.The Superintendent of Police, Kannyakumari District at Nagercoil.
- 3.The Inspector of Police, District Crime Branch, Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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W.P(MD)No.7691 of 2023

C.V.KARTHIKEYAN, J.

pnn

W.P(MD)No. 7691 of 2023

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