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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.8397 of 2023

K.Murugan

... Petitioner

vs.

1.The Passport Officer,
Regional Passport Office,
Bharathi Ula Street, K.Pudur, Madurai.

2.The Inspector of Police,
Mathichiyam Police Station,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue passport to the petitioner by considering the petitioner's representation, dated on 29.03.2023.

For Petitioner	:Mr.S.M.A.Jinnah.
For R1	:Ms.Thenmozhi
For R2	:Mr.J.Ashok
	Additional Government Pleader



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ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the first respondent to issue passport to the petitioner by considering the representation, dated 29.03.2023.

2.Heard Mr.S.M.A.Jinnah, learned Counsel for the petitioner, Ms.Thenmozhi, learned Counsel for the first respondent and Mr.J.Ashok, learned Additional Government Pleader for the second respondent.

3.In the affidavit filed in support of this Writ Petition, it had been stated that an FIR in Cr.No.492 of 2022 had been registered for the offences punishable under Sections 143, 290, 291 and 341 of IPC against the petitioner herein by the second respondent.

4.The learned Additional Government Pleader was requested to file a status report relating to the investigation and it had been stated that consequent to investigation, final report had been filed before the learned Judicial Magistrate No.2, Madurai, but the learned Judicial Magistrate had not yet taken cognizance of the said final report.



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5.A perusal of the records filed along with the Writ Petition reveal that the petitioner had filed an application seeking passport in File No.MD1065118154923.

6.A direction is issued to the first respondent to issue notice to the petitioner herein and on appearance of the petitioner, get necessary undertaking from the petitioner, as is required, and if the petitioner is otherwise eligible, proceed to issue passport to the petitioner herein. It must be kept in mind that the presumption of innocence runs deep and strong in criminal jurisprudence in this country. Only a final report alone has been filed against the petitioner herein, but the petitioner has not yet been convicted and for that, the prosecution will have to travel a long way. The entire exercise by the first respondent may be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

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

25.04.2023

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The Inspector of Police,
Mathichiyam Police Station,
Madurai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8397 of 2023

25.04.2023