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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

CORAM

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

W.P.(MD)No.8721 of 2023
and
W.M.P.(MD)No.7993 of 2023

Ravikumar

... Petitioner

vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent's impugned closure letter, dated 23.11.2021 relating with the petitioner's passport renewal application No.MD1073024802520 and to quash the same as illegal and consequently, to direct the first respondent to renew and re-issue of petitioner's passport No.J3350287 within a stipulated time that may be fixed by this Court.



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For Petitioner :Mr.R.Surianarayanan
For R1 :Mr.P.Sundharavadivel
Central Government Standing Counsel
For R2 :Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the letter of the first respondent, dated 23.11.2021 relating to the renewal application of the petitioner for passport in application No.MD1073024802520 and direct the first respondent to renew and reissue the passport of the petitioner bearing No.J3350287.

2.Heard Mr.R.Surianarayanan, learned Counsel for the petitioner, Mr.P.Sundharavadivel, learned Central Government Standing Counsel for the first respondent and Mr.J.Ashok, learned Additional Government Pleader for the second respondent.



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3.The petitioner was the holder of the aforementioned passport. It had expired. The petitioner thereafter filed an application seeking renewal. The first respondent had stated that an FIR had been registered against the petitioner in Cr.No.134 of 2020 for the offences punishable under Sections 109, 323, 341 and 506(i) of IPC.

4.The learned Additional Government Pleader had forwarded a status report relating to the said FIR. It is stated that after investigation, a final report had been filed before the learned Judicial Magistrate No.II, Madurai, but not yet taken cognizance.

5.It is trite in law to point out that the merely because the name of the petitioner had been included either in the First Information Report or in the final report, it would not categorise the petitioner as a convicted accused. The presumption of innocence runs deeply and strongly in criminal jurisprudence in this country.

6.A direction is therefore given to the first respondent to issue a fresh notice to the petitioner herein and get necessary undertaking from



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the petitioner and if the petitioner is otherwise eligible, proceed to renew the aforementioned passport of the petitioner. The entire exercise must be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of. No order as to costs.
Consequently, connected miscellaneous petition is closed.

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

27.04.2023

cmr

To

The Inspector of Police,
Thallakulam Police Station, Madurai.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8721 of 2023

27.04.2023