



W.P.(MD).No.8981 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P.(MD).No.8981 of 2023

Harikarasuthan

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
New Municipal Complex,
Thillai Nagar 7th Cross,
Tiruchirappalli.

2.The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.37 of 2021.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue a passport to the petitioner based on his application for issuance of an Indian Passport dated 06.02.2023 in File No.TR1065042517523, on the file of the first respondent.



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For Petitioner : Mr.R.Balamuruganantham

For Respondents : Mr.E.Sekar
Central Government Standing Counsel
for R1
Mr.J.Ashok
Additional Public Prosecutor for R2

ORDER

This Writ Petition has been filed in the nature of a writ of Mandamus, seeking a direction to the first respondent to issue passport to the petitioner on the basis of his application dated 06.02.2023 in File No.TR1065042517523.

2. When the petitioner had applied for the passport, the first respondent informed that F.I.R in Crime No.37 of 2021 had been registered by the second respondent for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) IPC.

3. The learned Additional Public Prosecutor, who took notice for the second respondent, has stated that the final report had not yet been filed consequent to the investigation.



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4. Presumption of innocence runs through criminal jurisprudence of this country. Merely including the name of the individual, it cannot be stated that the said individual had committed the offence. The Investigation Agency will have to conduct the investigation and after investigation, the final report will have to be filed indicating the name of the accused and the offences, for which, they are charged. As on date, the final report has not yet been filed.

5. Hence, a direction is given to the first respondent to issue notice to the petitioner herein and if the petitioner is otherwise eligible, grant passport as applied for and obtain necessary undertaking that he would inform the first respondent about the further progress of the aforementioned investigation in the said crime number. The entire exercise must be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

12.06.2023

Index: Yes/No
Internet: Yes/No
ssb

To

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