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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM

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

W.P.(MD)No.9927 of 2023

A.Abi Arumugam Pillai

... Petitioner

vs.

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

2.The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari 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 to the petitioner by considering the petitioner's application in file No.MD2064849825922, dated 08.12.2022.

For Petitioner	:Mr.K.Sathiya Singh
For R1	:Mr.K.Maharajan
For R2	:Mr.D.S.Nedunchezian
	Government Advocate



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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 his application in File No,MD2064849825922, dated 08.12.2022.

2.Heard Mr.K.Sathiya Singh learned Counsel for the petitioner, Mr.K.Maharajan, learned Central Government Standing Counsel for the first respondent and Mr.D.S.Nedunchezian, learned Counsel for the second respondent.

3.When the application was filed by the petitioner, the first respondent had issued a notice, dated 12.01.2023 calling upon the petitioner to explain about an adverse police verification report, which had been received by the first respondent. It had been stated that as against the petitioner, an FIR in Cr.No.656 of 2012 had been registered on 14.09.2012 by the second respondent, Inspector of Police, Eraniel Police Station at Kanyakumari for the offences punishable under Sections 294(b), 323 and 506(i) IPC.



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4.It is contended by the learned Counsel for the petitioner that final report had not been filed.

5.It is however contended on behalf of the second respondent that final report had actually filed in the year 2012 but later, on e-filing, it had been again re-presented in the year 2022.

6.Even otherwise, the presumption of innocence runs through the criminal jurisprudence of this country and unless, the individual is convicted of an offence, innocence is always presumed.

7.The first respondent may issue a further notice to the petitioner herein, who may appear before the first respondent and give necessary undertaking that he will not leave the shores of this country without obtaining permission from the Court where the charge sheet has now been filed and also give an undertaking that he would inform the first respondent about the further progress of the case. With that satisfaction, the first respondent may proceed to issue passport to the petitioner, if the



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petitioner is otherwise eligible for issue of passport. The entire exercise should be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

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

09.06.2023

cmr

To

The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.9927 of 2023

09.06.2023