



W.P.(MD).No.10232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

W.P.(MD).No.10232 of 2023

Kamalesh

... Petitioner

Vs.

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to issue passport to the petitioner by considering the petitioner's representation dated 10.04.2023 [petitioner's application's file No.MD01C5016097723] and to permit the petitioner to go to abroad within the time limit that may be stipulated by this Court.



WEB COPY



W.P.(MD).No.10232 of 2023

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.P.Murugesan
Central Government Standing Counsel
for R1
Mr.J.Ashok
Additional Government Pleader for R2

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the first respondent to issue passport to the petitioner by considering the petitioner's representation dated 10.04.2023 [petitioner's application No.MD01C5016097723] and permit him to go to abroad.

2. The petitioner had sought to go to abroad. He had applied for passport in the aforementioned application. It is informed that F.I.R in Crime No.291 of 2021 had been registered against the petitioner for the alleged offences punishable under Sections 147, 447 and 506(i) IPC.



W.P.(MD).No.10232 of 2023

WEB COPY

3. The learned Additional Public Prosecutor appearing for the second respondent would submit that the final report has not yet been filed before the concerned Magistrate.

4. Merely because the name of the petitioner has been included in the First Information Report, it would not indicate that the petitioner stands convicted. Thereafter, the jurisdictional Investigating Agency will have to conduct investigation and determine whether the charges are made out as against the petitioner by filing a final report. That stage has not yet come. Hence, a direction is given to the first respondent to proceed further with the application of the petitioner herein and get necessary undertaking that if at all the final report is filed, the petitioner would get permission from the concerned Court before going abroad. After such undertaking, if the petitioner is otherwise eligible, the first respondent may issue the passport, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD).No.10232 of 2023

5. With the above directions, this Writ Petition stands disposed of.

There shall be no order as to costs.

12.06.2023

Index: Yes/No

Internet: Yes/No

ssb

To

1.The Government of India,
Ministry of External Affairs,
Regional Passport Officer,
Regional Passport Office,
Madurai, Bharathi Ula Veethi,
Race Course Road,
Madurai-625 002.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.



WEB COPY



W.P.(MD).No.10232 of 2023

C.V. KARTHIKEYAN, J.

ssb

W.P.(MD).No.10232 of 2023

12.06.2023