



W.P(MD)No.10316 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.10316 of 2023

and

W.M.P(MD)No.9163 of 2023

B.Prasanth

... Petitioner

Vs.

1.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veethi,
Race Course Road,
Madurai – 625 002.

2.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.78 of 2022)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Notice in No.SCN/314633409/23 dated 17.04.2023 passed by the Respondent No.1 and quash the same as illegal and consequently directing the Respondent No.1 to issue Passport to the petitioner vide file No.MD01C5026037923 within the time stipulated by this Court.



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For Petitioner :Mr.K.Dinesh
For R1 :Mr.R.Arun Natarajan
For R2 : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking records relating to a notice dated 17.04.2023 in No.SCN/314633409/23 issued by the first respondent and quash the same and direct the first respondent to issue passport to the petitioner, consequent to the application No.MD01C5026037923.

2. The first respondent appears to have been under a misapprehension that the petitioner is an accused in FIR in Crime No.78/22 registered by the second respondent for alleged offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC altered to Sections 294(b), 323 and 506(2) of IPC. The fact is that the name of the petitioner had been dropped when the final report was filed. His name could have been arrayed in the FIR. That cannot be a document to prove that the names in the FIR are those who had committed the offences and those who would be convicted of committed such offences. After



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investigation, the first respondent had dropped the name of the petitioner.

There is no FIR registered against him.

3. The impugned notice of the first respondent is set aside. The first respondent is directed to process further the aforementioned application of the petitioner, for issuance passport and complete the process within a period of three weeks from the date of receipt of a copy of this order, after following due process.

4. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

19.06.2023

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

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C.V.KARTHIKEYAN, J.

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To

- 1.The Regional Passport Officer, Regional Passport Office,
Bharathi Ula Veethi, Race Course Road, Madurai – 625 002.
2. The Inspector of Police, Alangulam Police Station, Virudhunagar District.
(Crime No.78 of 2022)
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court,
Madurai.

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and
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