



W.P(MD)No.13185 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13185 of 2023
and WMP(MD)No.11147 of 2023

T.Radha

... Petitioner

Vs

1. The Government of India,
Ministry of External Affairs, New Delhi.
2. The Government of India,
Ministry of External Affairs,
Regional Passport Office,
Madurai Bharathi Ula Veethi,
Race Course Road,
Madurai 625 002.
3. The Inspector of Police,
Melur Police Station, Madurai District.
4. The Inspector of Police,
Keelavalavu Police Station, Melur Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent's impugned communication



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No.SCN/313702383/22, dated 11.11.2022 and quash the same and consequently direct the second Respondent to issue passport to the petitioner by considering the petitioner's application No.MD1064686108322, dated 18.10.2022 and for other reliefs within a period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
For R1, R2 : Mr.K.Govindarajan
Deputy Solicitor General of India
For R3, R4 : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with a communication of the second respondent, dated 11.11.2022. The petitioner had applied for passport in MD1064686108322 on 18.10.2022.

2.It had been stated that as against the petitioner herein FIR in Cr.No.607 of 2021, had been registered under Section 151 of Cr.P.C by the third respondent/Melur Police Station. But the same had been referred as mistake of fact. Yet another FIR in Cr.No.1586 of 2020, which had been registered by the same respondent Police Station under



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Sections 143, 269, 290 IPC and the same is under investigation. A third FIR in Cr.No.53 of 2022 registered by the Keezhavalavu Police Station under Sections 143, 341, 188 IPC and the same is also under investigation.

3.It is trite law to point out mere arraying of a name in FIR would not indicate the person had committed the offence. The FIR is only an information given to Police Station. Thereafter, investigation will have to be done, final report will have to be laid before the jurisdictional Court, charges will have to be framed and then trial will have to be conducted. After that only the issue of conviction or acquittal would arise.

4.In view of all these facts, a direction is issued to the second respondent to proceed further with the application of the petitioner seeking passport and if the petitioner is otherwise eligible, proceed to issue passport, within a period of six weeks, from the date of receipt of a copy of this order.



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5. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.06.2023

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

To

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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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