

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.9881 of 2016

D.V.Giri

... Petitioner

-Versus-

1.State Rep. by
The Inspector of Police,
W-22, All Women Police Station,
Chennai 600 004.
[Crime No.20 of 2014]

2.Lavanya

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C. praying for a direction to the 1st respondent to seize the passport of the petitioner bearing No.Z2000721 from the illegal possession of the 2nd respondent invoking Section 173 (8) of the Code of Criminal Procedure in Crime No.20 of 2014 on the file of the 1st respondent police pending in C.C.No.3748 of 2015 before the XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.R.John Sathyan

For Respondents : Mr.C.Emalias, APP for R1

Ms.M.Sophia for R2

ORDER

This original petition has been filed praying for a direction to the 2nd respondent to handover the passport bearing No.Z2000721 which is in her illegal possession to the petitioner.

2. Heard the learned counsel for the petitioner; the learned counsel for the 2nd respondent; and the learned Additional Public Prosecutor for the 1st respondent and perused the records carefully.

3. It may not be necessary to state the entire facts relating to the case as there are connected litigations pending between the parties. Suffice it to say that the petitioner had handed over his passport to the 2nd respondent for safe custody and that on account of some misunderstanding, the 2nd respondent was reluctant to return the passport to him. Hence, the petition.

4. On notice Ms.M.Sophia, the learned counsel entered appearance for the 2nd respondent and filed a counter wherein the 2nd respondent has refuted the allegations made in the affidavit filed in support of the present petition and has stated that passport has not been illegally detained by her and that it was the petitioner who had voluntarily handed over the same to her for safe custody. It is refuted by the learned counsel for the petitioner. However, the learned counsel for the 2nd respondent in all fairness produced the passport of the petitioner bearing No.Z2000721 before this court and the same has now, in turn, been handed over to Mr.R.John Sathyan, the learned counsel appearing for the petitioner - Giri. Since the passport has been handed over, the relief sought for in the petition has become infructuous.

5. In the result, the criminal original petition is dismissed as infructuous.

04..11..2016

kmk

TO

- 1.The Inspector of Police,
W-22, All Women Police Station,
Chennai 600 004.
2. The XVIII Metropolitan Magistrate, Chennai.
3. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.R. John Sathyan, Advocate SR.63178

Cr1.O.P.No.9881 of 2016

SSI (CO)
EU 09.12.16

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