



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.(MD)No.151 of 2014

Bharathi Mahesh Kannan

... Petitioner

Vs.

The Passport Officer
Ministry of External affairs
Passport Office
Bharathi Ula Veethi
Race Course Road
Madurai 625 002

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to initiate action under the passport act and any other relevant provision to either impound or suspend or in passport No.A1442240 dated 31.07.1996 belonging to Krishnamoorthy Mahesh Kannan under due process of law.

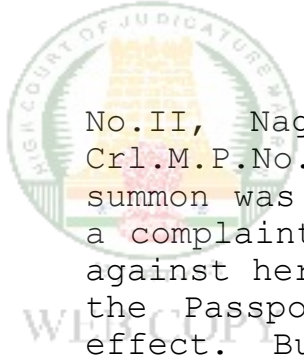
For Petitioner : Ms.L.Victoria Gowri
For Respondent : Mr.K.Ashok Kumar

O R D E R

This Criminal Original Petition has been filed to direct the respondent to initiate action under the passport act and any other relevant provision to either impound or suspend or in passport No.A1442240 dated 31.07.1996 belonging to Krishnamoorthy Mahesh Kannan under due process of law.

2.Heard the learned counsel appearing on either side.

3.The facts of the case is that the petitioner is the wife of one Krishnamoorthy Mahesh Kannan. The petitioner got married with the said person on 24.06.1999 at Nagercoil. Due to their wedlock, the petitioner gave birth to one male child on 06.06.2004. Due to misunderstanding between them, the petitioner and her husband are living separately. Thereafter, the petitioner filed a petition in H.M.O.P.No.15 of 2008 before the Subordinate Judge's Court at Nagercoil for seeking restitution of conjugal rights and the same was allowed on 22.10.2008. While so, the petitioner filed a suit in O.S.No.53 of 2009 before the learned District Judge at Nagercoil, Kanyakumari District for seeking maintenance. Thereafter, she has filed a domestic violence complaint before the Judicial Magistrate



No.II, Nagercoil and the same has been taken cognizance in CrI.M.P.No.1831 of 2012 and issued summon to her husband. The said summon was evaded by the petitioner's husband. Therefore, she filed a complaint before the respondent herein to take appropriate action against her husband Krishnamoorthy Mahesh Kannan under Section 10 of the Passports Act, 1967 to impound his passport with immediate effect. But, the respondent did not take any action on her complaint. Hence, the present criminal original petition.

4.It seems that the petitioner herein already filed the petition for restitution of conjugal rights in H.M.O.P.No.15 of 2008 and suit for maintenance in O.S.No.53 of 2009, in which, the learned District Judge concerned directed the petitioner's husband to pay a sum of Rs.25,000/- as monthly maintenance to the petitioner. Thereafter, she also filed a complaint under Domestic Violence Act in CrI.M.P.No.1831 of 2012 before the Judicial Magistrate No.II, Nagercoil and it is pending.

5.In such circumstances, the direction sought for in this direction petition cannot be granted. Further, the notice was sent by the petitioner on 05.11.2013 and the petitioner did not implead her husband as party in this petition.

6.Therefore, this Court is not inclined to grant direction as prayed for. Accordingly, this criminal original petition is dismissed.

Sd/
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

+1cc to Mr.K.ASOK KUMAR RAM, Advocate, SR.No. 84221

CrI.O.P. (MD) No.151 of 2014
11.09.2018

MSA
KK/SV/SAR-2/10.10.2018/2P-2C