



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.19710 of 2018
and
W.M.P.(MD) No.17500 of 2018

Selvin Premkumar

... Petitioner

vs.

1.The Regional Passport Officer
Regional Passport Office
Bharathi Ula Street
Race course Road
Near Thamarai Thotti Bus Stop
Madurai-2

2.The Superintendent of Police
Tirunelveli District, Tirunelveli

3.The Inspector of Police
Panagudi Police Station
Tirunelveli District

4.Richard

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 3 either to impound the passport of the 4th respondent or to prevent the 4th respondent from going abroad without getting prior permission from the Learned Judicial Magistrate Court, Valliyoor, Tirunelveli District in which criminal case in Crime No.194 of 2018 is pending against the 4th respondent by considering the petitioner's representation dated 09.08.2018.

For Petitioner : Mr.S.R.Anbarasu

For Respondents: Mr.V.Kathirvelu

Assistant Solicitor General of India,
assisted by Mr.P.Vembadiyan

Central Government Standing Counsel for R1 & R2

Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R3

**O R D E R**

The case of the petitioner is that he has filed a complaint before the third respondent - Police as against the fourth respondent and based on the complaint, an F.I.R. was registered under various Sections of the Indian Penal Code.

2. According to the petitioner, despite the registration of F.I.R., the fourth respondent has not been arrested. The petitioner apprehends that the fourth respondent may go abroad by escaping from the clutches of law and therefore, he wants this Court to issue a writ of mandamus directing the respondents 1 to 3 to impound the fourth respondent's passport or prevent him from going abroad without getting prior permission from the learned Judicial Magistrate, Valliyoor, before whom, a criminal case is pending against the fourth respondent.

3. This Court is unable to appreciate as to how this Court's extraordinary jurisdiction under Article 226 of the Constitution of India can be invoked for settlement of private dispute between the petitioner and the fourth respondent, which culminated in the registration of F.I.R. If the law does not permit a person to go abroad pending criminal case before the learned Judicial Magistrate concerned, the same shall be applied by the Authority concerned. However, it is not open to the petitioner to approach this Court seeking a direction to the official respondents to injunct the fourth respondent from going abroad.

4. Such a relief cannot be granted to the petitioner as against the interest of the fourth respondent. This Court's jurisdiction cannot be casually invoked for settling a personal score between the petitioner and the fourth respondent in regard to the F.I.R. registered against the fourth respondent at the instance of the petitioner.

5. In the said circumstances, this Court is of the considered view that the writ petition is devoid of merits and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //



1. The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street, Race course Road,
Near Thamarai Thotti Bus Stop,
Madurai-2.

2. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

+ 2 CC TO MR.P.VEMBADIYAN, ADVOCATE IN SR NO.83784
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.84436

KRK

BU/PM/SAR-I : 10.10.2018 : 3P/7C

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and

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