

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.15418 of 2017

N. Chandradevi

...Petitioner

Vs.

1. The Regional Passport Authority/FRRO
Beaura of Immigration,
Ministry of Home Affairs,
Sastry Bhavan Address
Nungambakkam,
Chennai-61.

2. The Inspector of Police,
V1 Villivakkam Police Station,
Villivakkam, Chennai-600 049.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1st respondent the Regional Passport authority to impound passport of Mr.Nambirajan and bring him to India for action.

For Petitioner : Mr. K. Nagarajan

For 1st Respondent : Mr. D.Rajesh Kumar
CGSC

For 2nd Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the 1st respondent to impound the passport of the husband in order to bring him back to India to face the proceedings in D.V.C.No. 151 of 2016.

2. Impounding the passport involves a procedure where the authority who is empowered to impound the passport must given an opportunity to the holder before passing any order. Police do not have the power to impound the passport under Section 102 of

Cr.P.C. This position of law has been clarified by the Hon'ble Supreme Court in State of Gujarat vs. CBI reported in 2008 3 SCC 674.

3. In view of the above, the relief as sought for by the petitioner cannot be granted by this Court. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1. The Regional Passport Authority/ERRO
Beaura of Immigration,
Ministry of Home Affairs,
Sastry Bhavan Address
Nungambakkam,
Chennai-61.
2. The Inspector of Police,
V1 Villivakkam Police Station,
Villivakkam, Chennai-600 049.
3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.D.Rameshkumar, Advocate Sr.51406

सत्यमेव जयते

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srg 18/07/2019

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