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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2019

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.33638 of 2019

and

W.M.P.No.34108 of 2019

K.N.P.Krithika

.. Petitioner

..Vs..

1.The Regional Passport Officer,
Office of The Regional Passport Officer,
"Shastri Bhavan",
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

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

3.The State of Tamil Nadu,
Rep.by the All Women Police Station,
Sathyamangalam,
Erode District.

4.K.Senthil Kumar

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to forthwith impound the Passport of the 4th respondent by considering and passing orders on the representation of the petitioner dated 25.11.2019.

For Petitioner : Mr.K.Selvaraj

For R1 : Ms.Swarnalatha,
Central Government Standing Counsel

For R2 and R3 : Mr.R.Govindasamy,
Special Government Pleader.



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O R D E R

The Writ Petition has been filed seeking a Mandamus directing the 1st respondents, The Regional Passport Officer, Chennai, to forthwith impound the Passport of the 4th respondent by considering the representation of the petitioner dated 25.11.2019.

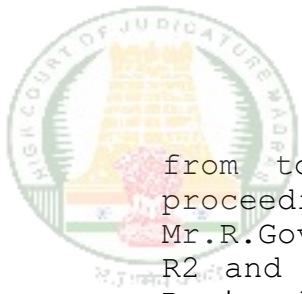
2. The petitioner had married the 4th respondent namely, K.Senthil Kumar on 09.09.2013 and they were blessed with a female child namely, Dharshika, who is now aged about four years. Unfortunately, there were marital discord between the petitioner and the 4th respondent. This led to the flurry of cases being filed as against each other.

3. Crime No.5 of 2018, under Section 498(A), 506(ii) of I.P.C and Section 4 of Dowry Prohibition Act, 1961 was registered by the All Women Police Station, Tiruchengode, on complaint lodged by the petitioner herein. This has been subsequently transferred to All Women Police Station, Sathyamangalam, Erode District and re-numbered as Crime No.6 of 2019. The petitioner has also filed H.M.O.P.No.24 of 2018 before the Sub Court, Sathyamangalam, for interim maintenance and it is claimed that the Court has granted interim prayer for direction to pay a sum of Rs.80,000/- per month towards maintenance to the petitioner and her child.

4. The petitioner has also filed an application seeking execution of the order against the 4th respondent. It is also stated that summons was issued by the Sub Court Sathyamangalam, in the Execution Petition. It is now stated that the 4th respondent who is facing all these cases is seriously attempting to escape from the Civil and Criminal proceedings by leaving the shores of this Country. In order to protect her rights which had accrued to her, by orders of the Court, the petitioner had given a representation to the 1st respondent namely, Regional Passport Officer, Office of the Regional Passport Officer, at Chennai, on 25.11.2019.

5. Ms.Swarnalatha, Central Government Standing Counsel, takes notice for R1, orders are issued directing the 1st respondent to pass necessary orders on the said representation and the said orders to be passed only after hearing all the parties including the petitioner and also the 4th respondent and also giving sufficient opportunity to both of them to put-forth their views.

6. After examining the parties, the Regional Passport Officer may pass appropriate orders on the representation given by the petitioner, at any rate, within a period of six weeks



from today. The Regional Passport Officer may initiate the proceedings within a period of one week from today. Mr.R.Govindasamy, Special Government Pleader, takes notice for R2 and R3. The 4th respondent has not been served, but however, Regional Passport Officer/1st respondent is directed to issue notice to the 4th respondent and hear his views and pass appropriate orders.

7. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

smv
To

1.The Regional Passport Officer,
Office of The Regional Passport Officer,
"Shastri Bhavan",
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

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

3.The Inspector of Police,
State of Tamil Nadu,
Rep.by the All Women Police Station,
Sathyamangalam,
Erode District.

+1cc to Mr.K.Selvaraj , Advocate SR.No. 100669
+1cc to Ms.Swarnalatha, , Advocate SR.No. 101032

W.P.No.33638 of 2019
and
W.M.P.No.34108 of 2019

A.SK(05/12/2019)