



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) .No.22854 of 2019

and

W.M.P. (MD) .No.19603 of 2019

WEB COPY

Mrs.J.Gowthami

... Petitioner

vs.

1.The Passport Officer,
Passport Office,
Claret Plaza,
2, Melakkal Rd,
Nataraja Nagar,
Madurai-16.

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

3.The Inspector of Police,
All Women Police Station,
Sivagangai District.

4.S.Jambulingam

... Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to impound the passport of the 4th respondent (passport No.z2836362) under Section 10(e) of the Passport Act 1957 taking into consideration of the criminal proceedings pending against him in C.C.No.30/2019 on the file of the learned Principal District cum Judicial Magistrate Court, Karaikudi, on the basis of petitioner's representation dated 08.10.2019.

For Petitioner: Mr.N.Kamesh

For R1 : Mr.Moovendran

Central Government Standing Counsel

For R2 and R3 : Mrs.J.Padmavathi Devi

Special Government Pleader

O R D E R

Heard Mr.N.Kamesh, learned counsel appearing for the petitioner, Mr.Moovendran, learned Central Government Advocate appearing for the first respondent and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the second and the third respondents.



2.This writ petition has been filed seeking a direction to the first respondent to impound the passport of the fourth respondent (passport No.Z2836362) under Section 10(e) of the Passport Act 1957, taking into consideration the criminal proceedings pending against him in C.C.No.30/2019 on the file of the learned Principal District cum Judicial Magistrate Court, Karaikudi, on the basis of the petitioner's representation, dated 08.10.2019.

3.The petitioner has lodged a complaint on 29.12.2018 before the third respondent against the fourth respondent, who is the husband of the petitioner herein. On receipt of the said complaint, the third respondent has registered a case in Crime No.11 of 2018 against the fourth respondent for the offences under Sections 498(A), 406 and 506(i) of IPC. Pursuant to which, a detailed investigation was conducted and thereafter charge sheet was filed, which was taken on file in C.C.No.30 of 2019 on the file of the Principal District Munsif cum Judicial Magistrate Court, Karaikudi. As the fourth respondent has not appeared before the trial Court, look out circular was issued and he was arrested and produced before the trial Court on 06.09.2019. In the meanwhile, the fourth respondent has filed Cr.M.P.No.8008 of 2018 before the trial Court seeking permission to leave the Country wherein, the trial Court has passed certain conditional order before allowing him to leave the Country.

4.The learned counsel appearing for the petitioner submitted that the fourth respondent had already left the Country, though a criminal case is pending. Hence, sought for a direction to be issued to the first respondent to impound the passport of the fourth respondent (passport No.Z2836362) under Section 10(e) of the Passport Act 1957.

5.Considering the above factual circumstances, as and when the fourth respondent is visiting the Country, it is open to the first respondent to impound the passport of the fourth respondent as prayed for.

6.Accordingly, this writ petition is disposed of with the above observation. No costs. Consequently, M.P is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



To **மனோஜ் குமார்**

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All Women Police Station,
Sivagangai District.

+1 CC to MR.N.KAMESH, Advocate (SR-104110[F] dated 10/12/2019)

+1 CC to SPL.GP (SR-104555[F] dated 11/12/2019)

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