



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.11.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20425 of 2020
and
W.M.P.No.25204 of 2020

Mrs. Fathima

... Petitioner

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Chief Immigration Officer,
O/o. The Regional Passport Office,
No.26, Haddows Road,
Shastri Bhavan Annex,
Chennai-600 006
3. Marliya Banu
4. The Inspector of Police,
W-16, All Women Police Station,
Pulianthope,
Chennai 600012
(R4 impleaded vide order dated
25.06.2021 made in WMP.2043/2021
in WP.20425/2020)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to cancel the look-out circular, if any, issued as against the petitioner herein and consequently, permit the petitioner to travel to Saudi Arabia in Passport No.T-8828575.

For Petitioner : Mr.R.Prabhakaran

For Respondent R1 : Mr.V.Ashok Kumar (CGSC)
For Respondent R2 : Mr.S.Haja Mohideen Gisthi
For Respondent R3 : M/s.H.Mubena Almas for
M/s.V.Thirumalai

For Respondent R4 : Mr. R.Murali
Government Advocate (Crl.Side)



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 2nd respondent to cancel the look-out circular, if any, issued as against the petitioner herein and consequently, permit the petitioner to travel to Saudi Arabia in Passport No.T-8828575.

2. The case of the petitioner is that the marriage between the petitioner and one Hameed Ali took place on 09.09.2019 at Chennai. The respondent police/4th respondent called the petitioner to the police station for an enquiry at 9.10 P.M. On 16.03.2020. Thereafter, on 18.03.2020, an FIR was registered in Cr.No.5 of 2020 under Section 498(A) and 506(2) IPC on the complaint given by the 3rd respondent through E-mail from Riyadh. Further, the petitioner obtained anticipatory bail in CrI.M.P.No.7727 of 2020 from the Sessions Court, Chennai and complied with the conditions. Thereafter, the petitioner filed CrI.O.P.No.11928 of 2020, wherein this Court directed the 4th respondent to complete the investigation in Crime No.5 of 2020 and to file a final report as expeditiously as possible, before the Jurisdiction Court, if not already filed. While so, on 23.11.2020, the petitioner was stopped at the Airport and was held by the respondent police in custody on 23.11.2020 on the ground of an alleged look out circular. Since, the petitioner has to leave the country to U.A.E. to join her husband, the 4th respondent seized the passport of the petitioner and not permitted her to travel abroad. Hence, the present Writ Petition is filed.

3. The learned counsel appearing for the petitioner submits that the petitioner and her husband have filed affidavit before this Court stating that the petitioner will participate and co-operate with the trial in accordance with law and to permit the petitioner to go abroad for the purpose of settling her outstanding Overseas Bank Loan in Saudi Arabia. However, the 4th respondent had confiscated the passport of the petitioner. Hence, he prays to allow the Writ Petition.

4. The learned counsel appearing for the 4th respondent submits that since the petitioner has not cooperated with the trial proceedings, the 4th respondent seized the passport. However, if the petitioner co-operate with the trial, the respondent police would de-seal the passport and permit the petitioner to travel abroad.

5. Taking into consideration the affidavit filed by the petitioner and her husband stating that the petitioner is ready to co-operate with the trial proceedings and be present on all hearing dates through her Advocate and if necessary would personally appear before the trial court for completing the



trial, this Court is inclined to direct the 4th respondent to de-seal the passport of the petitioner and issue appropriate letter to her to enable her to travel abroad.

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6. With the above observation and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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EV(CO)

A.SK(06.12.2021)