



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

W.P.(MD)No.8823 of 2021

WEB COPY

Vikashnee

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.

3.Mr.Prem Nivas

... Respondents

(R3 is suo motu impleaded vide Court Order dated 30.04.2021 in W.P (MD) No.8823 of 2021 by GIJ)

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 19.04.2021 and act upon the same within the time limit as may be fixed by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor,
(Crl.side)

For R3 : Mr.K.Samidurai

O R D E R

This Petition is filed seeking direction to the second respondent herein to consider the petitioner's representation dated 19.04.2021 and act upon the same within the time limit as may be fixed by this Court.

2.The petitioner is the wife of the third respondent herein. The marriage between them that took place on 01.06.2017. Out of wedlock, they have a male baby. At the time of marriage, the third respondent was working in Switzerland and the petitioner was in Dubai and pursuing her M.B.A Degree. Subsequent to the marriage, when the petitioner went to the matrimonial home, harassment was made and as a result of which, she left matrimonial home. At that



time, the third respondent retained the passport of the son. They also retained the educational certificates of the petitioner. So, she made request to her husband and in laws to hand over the passport and other documents. But that was not returned and handed over. So, complaint was made on 19.04.2021 to the second respondent. There was no action. Now the classes in Dubai are opened from 03.05.2021 before that she has to report before the management at Dubai. So, unless educational certificates and passport are handed over to her, she cannot travel to Dubai. So, this petition is filed seeking direction to the second respondent to consider the representation dated 19.04.2021.

3.Originally, this petition was filed without impleading the husband. During the course of arguments, this Court *suo motu* impleaded the husband for the purpose of resolving the dispute and the matter was referred to Mediation. In the mediation process, no amicable settlement was reached between the parties. But, however, it was submitted that the educational certificates of the petitioner were handed over to her. But the passport of the son was not handed over. So, again the matter was referred to the Court. After hearing the parties on either side, the following order is passed.

- 1) The third respondent is hereby directed to hand over the passport of the petitioner's son namely, Lithvikan Sai immediately as undertaken given by the learned counsel for the third respondent on the date of hearing.
- 2) After renewal of the passport, copy of the same shall be handed over to the third respondent.
- 3) The petitioner is directed to undertake the mediation process after returning her to India. She must return to India in February 2022 itself, as undertaken given by her in the undertaking affidavit.
- 4) The petitioner must permit the third respondent to visit the house at Dubai and see their son.
- 5) The petitioner also permit the third respondent to interact with the son through video conference through mobile calling.
- 6) The conditions will be revived in the month of February 2022 for the purpose of Mediation.

4.This Writ Petition is disposed of with the above directions.No costs.

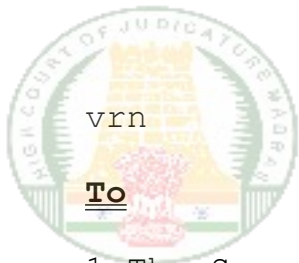
Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-27689[F] dated 31/08/2021)

W.P. (MD) No. 8823 of 2021
27.08.2021

RK (14.09.2021) 3P 4C