



W.P(MD)No.13164 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13164 of 2013

Faritha Banu

... Petitioner

Vs.

- 1.The Government of India,
Represented through its Secretary,
Ministry of External Affairs,
New Delhi.
- 2.The Secretary,
Embassy of India,
Kuwait.
- 3.The Protector general of Emigrant,
Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhawan, Chanakyapuri,
New Delhi-110 021.(w.e)
- 4.The Commissioner of Police,
Madurai.
- 5.The Passport Officer,
Passport Office,
Bharathi Ula Road,
Near Lotus Tank,
Madurai.
- 6.The Inspector of Police,
All Women Police Station,
Town, Madurai.



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7.J.Kamardeen

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.1 to take steps to impound the Petitioner's husband Kamardeen's passport bearing No.-Q444091 with the support of the Respondents No.2 to 4 and directing the Respondent No.4 to execute the Non-bailable warrant executed by the Respondent No.3 and to arrest the petitioner's husband when he returned back to India and restrain the Petitioner's husband from travelling abroad till the completion of the case in P.R.C. No.38 of 2011 on the file of the Respondent No.3.

For Petitioner : Mr.S.M.A.Jinnah

For R1–R3,R5 : M/s.S.Ragaventhre

For R4 & R6 : Mr.D.Sasikumar
Additional Government Pleader

For R7 : No Appearance

ORDER

The present writ petition has been filed seeking a writ of Mandamus directing the first respondent to impound the passport of the petitioner's husband and to execute the non-bailable warrant pending against him and not to permit him to travel abroad again till the disposal of P.R.C.No.38 of 2011 on the file of the Mahila Court, Madurai.



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2. According to the petitioner, there is a matrimonial dispute between the petitioner and her husband and criminal prosecution has been launched. In the said criminal prosecution, it was at the stage of P.R.C.No.38 of 2011 when the writ petition was filed.

3. According to the learned counsel for the petitioner, despite issuance of non-bailable warrant, the same has not been executed by the respondent police. The learned counsel for the petitioner has further submitted that the passport of the petitioner's husband has not been impounded, so that he could be brought back to India to face the trial.

4. The learned Central Government standing counsel appearing for the fifth respondent submitted that the passport of the petitioner's husband has been impounded by the passport office on 18.12.2019. The learned counsel appearing for the fourth respondent has submitted that non-bailable warrant has already been issued as against the petitioner's husband and once he lands in India, the said warrant would be executed. The learned counsel for the fourth respondent has also pointed out that L.O.C has also been issued by the Ministry of Home Affairs, Government of India on 27.07.2018. Hence, all the prayer sought for by



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the writ petitioner have already been complied with by the respective official respondents.

5. In case the petitioner's husband lands in India, the official respondents are directed to execute non-bailable warrant and see that the petitioner's husband faces the criminal prosecution without leaving for abroad.

6. With the above said observation, this Writ Petition is disposed of. No costs.

03.08.2022

Index : Yes / No
Internet : Yes / No
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To

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2.The Secretary,
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R.VIJAYAKUMAR ,J.

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