



W.P.(MD)No.16491 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16491 of 2022

Najumudeen

... Petitioner

Vs

1.The Regional Passport Officer,
Trichy Region,
Municipal Water Tank Building,
WB Road,
Trichirapalli.

2.The Immigration Officer,
Chennai International Airport,
Meenambakkam,
Chennai.

3.The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukottai District.

4.Apsara Begum

... Respondents

(R-4 is suo motu impleaded vide Court dated 27.07.2022 in W.P.(MD).No. 16491 of 2022).



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to return the petitioner's passport in Passport No. S9968687, within the time that maybe stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For R-1 and R-2 : Mr.V.V.Sundareshwar,
Central Government Standing Counsel.
For R-3 : Mr.R.Sivakumar,
Government Advocate (Criminal Side).
For R-4 : Mr.Balaji

ORDER

Heard the learned counsels on either side.

2. The writ petitioner got married to the fourth respondent as per Islamic rites and customs on 25.07.2010. Two children were born through the said wedlock. The marital relationship came under strain. The fourth respondent had also given a criminal case against the writ petitioner, leading to issuance of lookout circular. That is why, when the writ petitioner returned India, his passport was impounded and he is not in a position to return. That led to the filing of this Writ Petition.



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3. When the matter was taken up for hearing, I indicated to the learned counsel on either side to endeavour to resolve the disputes. I am happy to record that after considerable effort, the parties entered into joint memo of compromise dated 09.02.2022. The said joint memo of compromise shall form a part of the record. The said joint memo of compromise reads as under:

“JOINT MEMO OF COMPROMISE

The parties hereby jointly agree the following arrangement in lieu of granting no objection for return of passport to the petitioner and to quash C.C.NO.12 of 2021 and DVC No.2 of 2021 on the file of Judicial Magistrate, Keeranur.

1. The petitioner has today 29.08.2022 handed over 6 sovereigns of gold ornaments to the fourth respondent. The fourth respondent has agreed to accept the same and would not claim any maintenance.

2. The Petitioner has also handed over the passport of the Respondent to here and the other Sridhana articles will be returned to the Respondent within a week.

3. The Petitioner will pay / deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) in favour of the children of the Petitioner within a week.

4. The petitioner has agreed to deposit a further sum of Rs. 7,00,000/-(Rupees Seven Lakhs only) in favour of the



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children of the Petitioner and the 4th Respondent within 1 year of his employment in Abroad in lieu of the 4th Respondents equivalently remaining jewelry. The said sum will be in the form of Fixed Deposit in the name of the Children.

5. The 4th Respondent has agreed to quash the Criminal Case In CC No. 12 of 2021 and the DVC proceedings in DVC No. 2 of 2021 on the file of the Judicial Magistrate, Keeranur.

6. The 4th Respondent also has not objection to return the passport of the Petitioner. It is submitted that the issues between both the parties is neither a public issue nor any public policy affecting the society at large involved in this case”.

4. Since the parties themselves have buried the hatchet, it would not be in the interest of justice to keep the proceedings alive. Quashing them alone would serve the ends of justice. In this view of the matter, the proceedings in C.C.No.12 of 2021 and DVC No. 2 of 2021 on the file of Judicial Magistrate, Keeranur stand quashed.



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5. The third respondent is directed to return the petition mentioned passport to the petitioner immediately and without any delay.

6. This Writ Petition is allowed on the above terms. There shall be no order as to costs.

02.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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G.R.SWAMINATHAN, J.

Nsr

To

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