



WP(MD)No.16696 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16696 of 2016
and
WMP(MD)No.12381 of 2016

T.A.Saranya

... Petitioner

vs.

The Passport Officer,
Regional Passport Office,
Baharathi Ula Street,
Race Course Road,
Near Thamarai Thotti Bus Stop,
Madurai – 625 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, to direct the respondent to take appropriate action, namely, suspending, impounding, revoking or in case he has already left the country to make necessary endorsement in his passport and travelling documents of the said accused M.Palanikumar, Son of Marimuthu having passport bearing No. 2731243 to prevent him to travel to foreign country using his passport to escape from the due process of law namely to escape from



WP(MD)No.16696 of 2016

investigation, to face the trial and receiving the punishment if any after the trial on the basis of the criminal case in Cr.No.16 of 2016 on the file of the All Women Police Station, Sattur by considering the petitioner's written representation dated 02.08.2016.

For Petitioner : Mr.K.Sathya Singh

For Respondent : Mr.S.Jeya Singh
Central Government Standing Counsel

ORDER

The petitioner has lodged a complaint dated 25.07.2016 as against her husband M.Palanikumari alleging that he harassed her by demanding dowry. The said complaint has been registered in Cr.No.16 of 2016 for the offence under Section 498(a), 406, 506(i) r/w. Section 4 of Dowry Prohibition Act, on the file of the the All Women Police Station, Sattur and the same is pending at the stage of investigation. Fearing that her husband might not co-operate for the criminal proceedings and will not return her jewels, the petitioner has submitted a representation dated 02.08.2016 to the respondent to impound the passport of her husband. Since the said representation has not been



WP(MD)No.16696 of 2016

considered so far, the petitioner has filed this writ petition seeking a direction to the respondent to impound the passport of her husband based on her representation dated 02.08.2016.

2. The learned counsel appearing for the respondent submits that the petitioner has not produced any documentary evidence to show that the criminal proceedings is pending as against her husband M.Palanikumar and the respondent did not receive any adverse report from the Police Department recommending to impound the passport of the petitioner's husband. Therefore, the representation of the petitioner has not been considered so far.

3.As per Section 10(3)(e) of the Passport Act, the Passport Authority may impound or revoke a Passport or any travel document if any proceedings in respect of an offence alleged to have been committed by the holder of the Passport or travel document are pending before a Criminal Court in India.



WP(MD)No.16696 of 2016

4. The petitioner claims that a criminal case is pending as against her husband in FIR No.16 of 2016 on the file of the All Women Police Station, Sattur. However, the respondent has taken a stand that the petitioner failed to produce any document to show that criminal proceedings is pending as against her husband.

5. Therefore, this writ petition is disposed of with a direction to the petitioner to produce the relevant documents to the respondent and the respondent, after taking into consideration of the documents, shall consider the case of the petitioner in the light of the provision u/s.10(3) (e) of the Passport Act and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and her husband. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2023

Index : Yes / No
NCC : Yes / No
Internet : Yes / No.
ogy



WP(MD)No.16696 of 2016

WEB COPY

To

The Passport Officer,
Regional Passport Office,
Baharathi Ula Street,
Race Course Road,
Near Thamarai Thotti Bus Stop,
Madurai – 625 002.



WEB COPY



WP(MD)No.16696 of 2016

B.PUGALENDHI, J.

ogy

WP(MD)No.16696 of 2016

20.10.2023