



W.P(MD)No.10103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10103 of 2024

and

W.M.P(MD)No.9129 of 2024

Sajitha Kumari

... Petitioner

Vs.

1.The Union of India,
Ministry of External Affairs,
Represented by its Principal Secretary,
South Block,
New Delhi.

2.The Regional Passport Officer,
Bharathi Ula Street,
Near Thamarai Thotti Bus Stop,
KK Nagar,
Ramaond Reserve Line,
Madurai.

3.The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of order / e-mail communication dated 13.03.2024 on the file of respondent and quash the same and consequently direct the respondent to renew the petitioner passport bearing No. L5471501.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.M.Karthikeya Venkatachalapathy
for R.1 & R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.3

ORDER

Heard both sides.

2.The petitioner seeks reissuance of passport. She is presently at Bahrain. Her request was negated on the ground of pendency of C.C.No.424 of 2020 on the file of the learned Judicial Magistrate No.1, Kulithurai in which she is figuring as one of the accused. Since the petitioner wants to come back to India for the purpose of getting permission from the Court concerned, I direct the Indian Embassy at



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Bahrain to renew the petitioner's passport. Its validity period shall however be restricted to three (3) years. The petitioner through her counsel gives an undertaking that after coming down to India, she will approach the learned trial Magistrate and obtain an appropriate order from the Court to leave India.

3.The petitioner is permitted to file such an application. The learned trial Magistrate is directed to dispose of the same on merits and in accordance with law within a period of three weeks after the same is filed. Of course, the defacto complainant will have to be put on notice in the said application. The learned trial Magistrate will bear in mind that the petitioner is not a prime accused. The Court is also bear in mind that the petitioner's family is at Bahrain and she detained in India, her rights will be agitated. However, appropriate undertaking can be taken from the petitioner to ensure so that the progress of the criminal case is not stalled on account of the petitioner's absence from India. The passport authority will act further in the matter based on the order to be passed by the learned trial Magistrate.



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4.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: Registry is directed to mark a copy of this order to the learned Judicial Magistrate No.1, Kulithurai.

To

- 1.The Principal Secretary,
Union of India,
Ministry of External Affairs,
South Block,
New Delhi.
- 2.The Regional Passport Officer,
Bharathi Ula Street,
Near Thamarai Thotti Bus Stop,
KK Nagar,
Ramaond Reserve Line,
Madurai.
- 3.The Inspector of Police,
All Women Police Station,
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G.R.SWAMINATHAN,J.

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