



Crl.O.P.(MD)No.16512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16512 of 2024

Vellammal

... Petitioner

Vs.

The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
Crime No.81 of 2018

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the order passed in the Crl.M.P.No. 355 of 2024, order dated 04.09.2024 in C.C.No.277 of 2022, on the file of the learned Additional Mahila Court (Magistrate Level), Nagercoil and set aside the same as illegal, consequently, direct the learned Additional Mahila Court (Magistrate Level), Nagercoil to issue No Objection Certificate to the petitioner's son for renewal of Passport.

For Petitioner : Mr.S.Suresh Kumar

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)



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ORDER

This petition has been filed invoking Section 528 BNSS, challenging the order passed in CrI.M.P.No.355 of 2024 in C.C.No.277 of 2022 dated 04.09.2024 dismissing the petition filed under Section 6(2)(f) of the Passport Act, 1967 for renewal of passport of the petitioner's son, namely Tamilselvan.

2.The petitioner's son is the third accused in C.C.No.277 of 2022 for the offence under Sections 452, 294(b), 506(2) IPC and Section 3(1) of TNPPDL Act, 1992 and Section 4 of TNPHW Act, 2002. The petitioner's son has earlier filed a writ petition in WP.(MD)No.16585 of 2024 seeking direction to the Passport Authorities to renew his passport by disposing his online application and this Court vide order dated 23.07.2024 has given liberty to the petitioner's son to move trial Court for the relief sought for and the trial Court was directed to consider the same and pass orders and on the basis of the order passed by the trial Court, the petitioner was directed to move before the jurisdictional Regional Passport Officer.



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3.It is not in dispute that the petitioner's son went to Dubai and he is now in Dubai. The learned Magistrate, in the impugned order, by observing that the third accused, after appearing for the questioning, has not chosen to appear before the Court and he went to abroad without permission of the Court, has dismissed the petition.

4.The learned counsel appearing for the petitioner would submit that the petitioner's son is ready to file an undertaking affidavit before the concerned Court and co-operate for the trial.

5.Recording the same, the petitioner is directed to file an undertaking affidavit of her son before the concerned Court. Upon filing of the undertaking affidavit, the impugned order passed in Crl.M.P. No.355 of 2024 in C.C.No.277 of 2022 dated 04.09.2024 stands set aside and the learned Additional Mahila Court (Magistrate Level), Nagercoil is directed to consider the said petition and pass orders, within a period of one week from the date of receipt of a copy of this order.



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6. With the above directions, this criminal original petition is disposed of.

01.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Mahila Court (Magistrate Level),
Nagercoil.
2. The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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