



W.P(MD)No.29192 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.29192 of 2023

Azeela @ Mary

... Petitioner

-Vs-

1.The Chief Immigration Officer,
Tiruchirappalli City,
Tiruchirappalli District.

2.The Commissioner,
Tiruchirappalli City,
Tiruchirappalli District.

3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

4.The Inspector of Police,
Airport Police Station,
Tiruchirappalli City,
Tiruchirappalli District.

5.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

6.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

... Respondents



W.P(MD)No.29192 of 2023

WEB COPY

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents herein to issue No Objection Certificate so as to permit the petitioner to visit Sri Lanka on the basis of the petitioner's representation dated 16.11.2023.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mr.V.Malaiyendran
Central Govt. Standing Counsel (for R1)

Ms.M.Aasha
Govt. Advocate (crl. side) (for R2 to R6)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondents herein to issue No Objection Certificate so as to permit the petitioner to visit Sri Lanka on the basis of her representation dated 16.11.2023.

2. The case of the petitioner is that she is a Sri Lankan citizen. In the year 2002, she got married with his husband, by name, Yusuf @ Joseph in Kuwait and thereafter, the marriage was registered in Thanjavur Sub Registrar Office on 14.05.2004. They are having two children. Thereafter,



W.P(MD)No.29192 of 2023

WEB COPY

there was frequent quarrel between them. While so, a case in Crime No. 883/2010 has been registered by the fourth respondent in respect of passport and the same is pending as C.C.No.323 of 2014 on the file of the Judicial Magistrate No.VI, Tiruchirappalli. Thereafter, in the year 2018, her husband had given a complaint before the fifth respondent in Crime No.126 of 2018 against the petitioner, as if, the petitioner had opened the locker in Karur Vysya Bank without his consent. For the same fact, the bank officials have also given a complaint before the fifth respondent and the same is also pending in Crime No.125 of 2018. In the year 2020, her husband died in a suspicious manner and his body was found near Medical College Bypass Fly-over. Since there was dispute between them, the 6th respondent police has implicated the petitioner as one of the accused. The said case is pending in S.C.No.147 of 2021 before the I Additional District and Sessions Judge (PCR), Thanjavur. Even though there are five cases pending against the petitioner, all because of matrimonial dispute, she was implicated as accused in all the cases. Due to which, she is not able to see her parents in Sri Lanka, who were in their last phase of life.



W.P(MD)No.29192 of 2023

WEB COPY

3. The further case of the petitioner is that already in the years 2019 and 2021, the petitioner was allowed to go to Sri Lanka based on the order of this Court dated 26.03.2019 and 29.11.2021 made in W.P(MD)Nos.1558 of 2019 and 18810 of 2021 respectively. Since the petitioner's parents were very ill and she want to see before their death, she applied for Visa to the first respondent on 16.11.2023. However, no clearance has been given. Hence, she filed the present writ petition for the above said relief.

4. The learned Government Advocate (criminal side) appearing for the respondent police would submit that there are five cases pending against the petitioner, which are in various stages. In this situation, if the petitioner is allowed to go to Sri Lanka, she will not be returned. She would further submit that out of five cases, one is the murder case, which is pending for trial. In this circumstances, the petitioner cannot leave from India. Hence, she prays for dismissal of this writ petition.

5. The learned Central Government Standing Counsel appearing for the first respondent would submit that since there are five cases pending against the petitioner, there is no possibility to give the clearance.



W.P(MD)No.29192 of 2023

WEB COPY

6. It is seen that out of five criminal cases, one is the murder case, which is pending for trial, wherein the petitioner is arrayed as A1. The deceased husband itself has given criminal complaints. Since he died in a suspicious manner and his body was found near Medical College Bypass Fly-over, she has been arrayed as A1 in the murder case. In this circumstances, this Court is not inclined to allow the petitioner to leave from India.

7. In view of the above, this Court is of the view that the prayer sought for by the petitioner cannot be granted. Hence, this writ petition is **dismissed**. No costs.

03.01.2024

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

1.The Chief Immigration Officer,
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2.The Commissioner,
Tiruchirappalli City,
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W.P(MD)No.29192 of 2023

WEB COPY

3. The Superintendent of Police,
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W.P(MD)No.29192 of 2023

V.BHAVANI SUBBAROYAN, J.

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W.P(MD)No.29192 of 2023

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