



W.P.No.6371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6371 of 2024

and

W.M.P.Nos.7089 & 7090 of 2024

Nishanth Vatchalam

.... Petitioner

Vs

1. Union of India,
Rep. by its Secretary,
Ministry of Home Affairs,
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.

2. Union of India,
Rep. by its Secretary,
Ministry of External Affairs,
SO (DB), 74B South Block,
New Delhi - 110 001.

3. The Joint Secretary (JS-II)
Ministry of Home Affairs,
Legal Cell -I/IS-II Division
1st Floor,
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.



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4. The Joint Secretary (CPV),
CPV Division,
Ministry of External Affairs,
Patiala House Annexe,
Tilak Marg,
New Delhi - 110 001.

5. The Joint Secretary (PSP),
Passport and Seva Project Division,
Ministry of External Affairs,
Patiala Jhouse Annexe,
Tilak Marg,
New Delhi -110 001.

6. The Commissioner of Police
Jai Singh Marg,
Hanuman Road Area,
Connaught Place,
New Delhi - 110 001.

7. The Station House Officer,
Uttam Nagar Police Station,
Uttam Nagar,
New Delhi 110 059

8. Narendra Kumar Tiwari Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 7 to open a Look Out Circular and cancel the passport of the 8th respondent pursuant to the Non-Bailable Warrant dated 28.02.2018 issued against the 8th respondent Mr. Narendra Kumar Tiwari, having permanent residence at WE 79, Rama Park Road, Mohan Garden, Uttam Nagar, New Delhi - 110 059 now residing at Almaty Kazakhstan.



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For Petitioner : Mr.J.Saravana Vel
For R1 to R7 : Dr.G.Babu
Senior Panel Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 to 7 to open a Look Out Circular and cancel the passport of the 8th respondent, pursuant to the Non-Bailable Warrant issued against him on 28.02.2018.

2. The petitioner's mother married the 8th respondent on 21.02.1995 in Chennai. After their wedlock, they gave birth to two male children including the petitioner. During the year 2006, due to business losses, the 8th respondent deserted his family, comprising the petitioner's mother, his brother and the petitioner, in the year 2010. Therefore, the petitioner's mother filed a petition in O.P.No.98 of 2012 seeking divorce and the same was decreed on 16.07.2012 with permanent alimony of Rs.20,00,000/- payable by the 8th respondent herein.

3. Further, the petitioner and his brother, who were minors, filed a maintenance case against the 8th respondent in M.C.No.196 of



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2013 on the file of the I Additional Family Court, Chennai. The I Additional Family Judge, Chennai, ordered monthly maintenance of Rs.25,000/- each per month to the petitioner and his brother. However, the said order was not complied with by the 8th respondent and as such, the petitioner filed an application under Section 125(3) of Cr.P.C in M.P.No.77 of 2014. Even after notice, the 8th respondent did not appear and as such, a Non-Bailable Warrant was issued as against him.

4. Thereafter, the Non-Bailable Warrant was *suo moto* recalled and fresh notice was issued to the 8th respondent. Thereafter, the petitioner came to know that the 8th respondent is residing at Almaty, Kazakhstan. Therefore, through the Indian Embassy at Almaty in Kazakhstan, a notice was served on the 8th respondent on 24.08.2016. Even then, the 8th respondent failed to appear before the I Additional Family Court, Chennai. Therefore, a Non-Bailable Warrant was issued as against the 8th respondent and it is pending on the file of the 6th and 7th respondents herein, as the 8th respondent is residing within their jurisdiction.



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5. The petitioner and his brother also filed an application under Section 128 of Cr.P.C in M.P.No.1389 of 2023, seeking a direction to the 8th respondent to pay the arrears of maintenance. However, the respondents 5 & 6 did not take any steps to bring the 8th respondent to India by execution of the Non-Bailable Warrant, which is pending against him. Therefore, the petitioner sought for direction in this writ petition to issue a Look Out Circular against the 8th respondent and also to cancel the passport of the 8th respondent.

6. The learned Senior Panel Counsel appearing for the respondents 1 to 7 submitted that they are taking steps to execute the Non-Bailable Warrant issued against the 8th respondent through the Indian Embassy at Almaty in Kazakhstan.

7. In view of the above, the 5th and 6th respondents are directed to issue Look Out Circular against the 8th respondent to secure him within a period of two weeks from the date of receipt of a copy of this order. The 6th and 7th respondents are directed to take steps to bring the 8th respondent to India through the Indian Embassy at Almaty in Kazakhstan.



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8. With the above direction, this Writ Petition stands

disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

26.02.2025

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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