



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**  
AND  
THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

**W.A.No. 277 of 2025**

G.Devibala

...Appellant

Vs.

1.The Regional Passport Officer,  
Regional Passport Office Coimbatore,  
First Floor, Corporation Commercial Complex,  
Opp. Thandumariamman Koil, Aninashi Road,  
Coimbatore, Tamil Nadu ? 641 018.

2.Immigration Officer,  
Chennai Airport, Meenambakkam,  
Chennai ? 600 016.

3.The Deputy Commissioner of Police,  
Pallikaranai Circle,  
Chennai.

4.The Inspector of Police,  
Chitlapakkam Police Station,  
Chennai.

..Respondents

**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside



the order dated 30.10.2024 passed in WP No.32112 of 2024.

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For Appellant : Mr. Sarath Chandran  
For Mr.N.Elayaraja

For Respondents : Mr.K.Subbu Ranga Bharathi  
CGC, for R2

Mr.R.Kumaravel,  
Additional Government Pleader for RR 3 & 4

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### **J U D G M E N T**

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The Passport of the petitioner/appellant was impounded by the Authority on 18.07.2024 on the ground that she has been convicted of an offence under Section 138 of the Negotiable Instruments Act in STC No.1286 of 2019 on the file of the learned Judicial Magistrate I, Tambaram.

2. The petitioner approached this Court, challenging the order of impounding, contending that an Appeal has been filed against the order of conviction and the Appellate Court has granted suspension of sentence by its



order dated 12.09.2024. It is also stated that the dispute has been settled between the parties and the same has been referred to mediation.

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3. The Writ Court has however dismissed the Writ Petition directing the petitioner to approach the Criminal Court where the Appeal is pending. We do not think we can sustain the order of the Writ Court. Impounding a passport is a very serious matter as it affects the right of free movement. A conviction made under Section 138 of the Negotiable Instruments Act, for a commercial offence between two individuals cannot be a ground for impounding of the Passport.

4. Be that as it may, we find that the appellant has been favoured with an order of suspension of sentence by the Appellate Court and it is stated that the parties have also entered into compromise.

5. The Principal District Court, in our considered opinion, does not have the power to set aside the order impounding a Passport. Hence the Writ Appeal will stand allowed, the order of the Writ Court is set aside, the



order impugned in the Writ Petition will stand quashed. There shall be no order as to costs.

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**(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)**  
30.01.2025

jv

Index : No  
Neutral Citation : No  
Speaking order

To

- 1.The Regional Passport Officer,  
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**R.SUBRAMANIAN, J.**  
**and**  
**C.KUMARAPPAN, J.**

jv

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**30.01.2025**