



W.P(MD)No.3790 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.3790 of 2025

P.Gayathri

..Petitioner

Vs

- 1.The High Commissioner,
British High Commission,
Shanthipath,
Chanakyapuri,
New Delhi,
India.
- 2.The Deputy High Commissioner,
British Deputy High Commission,
No.20, Anderson Road,
Thousand Lights (West),
Gandhi Nagar,
Chennai – 600 006.
- 3.The Foreign Secretary,
Ministry of External Affairs,
Government of India,
SO (DB) 74-B,
South Block,
New Delhi,
India.



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4.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Street,
Race Course Road,
Madurai – 625 002.

5.The Authorized Officer,
Bureau of Immigration,
Shastri Bhavan (Annexe)
Haddous Road,
Chennai – 600 006.

6.The Superintendent of Police,
Madurai District,
Madurai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pass an order to extradite petitioner's above-named husband Kaviraj and his own mother Mrs.Poormalaya alias Malliga, wife of Kamaraj and sister Rathika wife of Thirunavukarasu for the successful accomplishment of the procedure of investigation in accordance with the procedures of Indian Law and to do justice to petitioner by grilling the above-named offenders as expeditiously as possible.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.K.Govindarajan
Dy. Solicitor General of India
(for R1 to R5)

Mr.M.Karunanithi
Govt. Advocate (for R6)



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ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to extradite the petitioner's husband Kaviraj and his mother Poormalaya alias Malliga and his sister Rathika for the purpose of completing investigation in India.

2. The respondents are the High Commissioner of the British Government in India, the Foreign Secretary, the Regional Passport Officer, and his subordinates.

3. The claim of the petitioner is that she married one Kaviraj. On account of demand of dowry, a criminal complaint is pending in Crime No.21/2024 on the file of the All Women Police Station at Usilampatti. It is alleged that the accused have committed offences under Sections 498A, 294(b), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. I am sure that there cannot be a Mandamus against the foreign country. The husband and the mother-in-law of the petitioner, who have not been made as parties to this writ petition. They seem to be citizens of the United Kingdom. The power of extradition is to be exercised by the British Government and send



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its citizen from that country to India to face prosecution. This Court cannot issue a Mandamus to a sovereign of other country. The respondents 3 to 6 also do not have any power over the citizens, who belong to another country and who are residing in another country.

5. It is left open to the petitioner to initiate appropriate proceedings before the criminal court and take steps in that regard. Mandamus for extradition is certainly not entertainable. Hence, this writ petition is dismissed. No costs.

17.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

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V.LAKSHMINARAYANAN, J.

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