

**THE HONOURABLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION No.31909 OF 2022**

**ORDER:**

This Writ Petition is filed to declare action of respondents in issuing the proceedings bearing letter No.SCN/312995723/22, and SCN/312995691/22 dated 18.07.2022 as illegal and consequently direct the respondents to issue renewed passports bearing Nos. [REDACTED] and [REDACTED] to the petitioners notwithstanding the pendency of Domestic Violence Case (DVC).

2. Heard Sri Ravish Kedia, learned counsel representing [REDACTED] [REDACTED] learned counsel for the petitioners, Sri M.Vijaykanth learned counsel appearing for 2<sup>nd</sup> respondent. Perused the record.

3. Perusal of the record would reveal that 1<sup>st</sup> petitioner herein is the holder of the passport bearing [REDACTED] and it is valid upto [REDACTED]. Likewise 2<sup>nd</sup> petitioner is also holder of passport bearing [REDACTED] and it is valid upto [REDACTED]. Therefore both of them have submitted applications seeking renewal of their passports. Vide letters both dated 18.07.2022, 2<sup>nd</sup> respondent referring to a complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') vide File No.4374/2018,

registration No.837/2018, District Courts, [REDACTED] has sought clarification from 2<sup>nd</sup> petitioner to renew their passports. Therefore, the present writ petition.

4. In both the aforesaid letters dated 18.07.2022, there is mention about aforesaid DVC and therefore this Court directed Sri M.Vijaykanth, learned counsel for 2<sup>nd</sup> respondent to get specific instructions of on same. Today, on instructions he would submit that 2<sup>nd</sup> respondent has received adverse police report from the police concerned stating that there is a case pending against both the petitioners filed under Section 12 of the Act, and according to him, the entire procedure is online. Once 2<sup>nd</sup> respondent receives adverse police report with regard to pendency of case, the system will not proceed further. Even the aforesaid letters both dated 18.07.2022 are online. 2<sup>nd</sup> respondent will depend only on the police report. According to him, in the present case, the police have submitted adverse report. Therefore, they have issued aforesaid notice.

5. Perusal of record would reveal that the wife of 1<sup>st</sup> petitioner had filed an application under Section 12 of the Act, against both the petitioners seeking certain reliefs. The said disputes are matrimonial disputes. Proceedings under DVC Act are not criminal in nature and

they are *quasi-criminal*. Therefore, mere pendency of proceedings under Section 12 of the Act is not a bar to renew the passports of the petitioners herein. On the said ground 2<sup>nd</sup> respondent cannot refuse to renew the passports of the petitioners herein. There is no provision in the Act prohibiting 2<sup>nd</sup> respondent from renewing passports of the petitioners on the ground of pendency of application under Section 12 of the Act and that the entire system is online or system generated. Thus, 2<sup>nd</sup> respondent cannot deny renewal of the passports of the petitioners herein.

6. In view of the above submissions, this writ petition is disposed of. 2<sup>nd</sup> respondent is directed to renew the passports of the petitioners if they are otherwise in order and furnish the same to the petitioners.

Miscellaneous Petitions, if any, pending, shall also stand closed.

---

**K. LAKSHMAN, J**

Date:01.09.2022

vvr