



2025:AHC:226471-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44242 of 2025

Shivam Chauhan

.....Petitioner(s)

Versus

Union Of India And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Manvendra Narain Pathak
Counsel for Respondent(s)	:	A.S.G.I.

Court No. - 4

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

Heard learned counsel for the parties.

By means of present petition filed under Article 226 of the Constitution, petitioner has prayed for following relief:-

"(A) Issue a writ, order or direction in the nature of mandamus commanding directing the respondents to issuing the Passport and same may be issue in favour of petitioner under the Passport Act, within specific period as may be fix by this Hon'ble Court."

It is sought to be contended on behalf of the petitioner that even though police has submitted only final report and same is pending consideration in a criminal law court from where he has been directed to avail necessary consent but in the face of final report, it may not be necessary. He submits that if there is no cognizance taken by criminal law court against final report submitted by police under Section 173(2) of erstwhile Cr.P.C. there is no justification in issuing direction for seeking permission from criminal law court concerned.

Per contra, it is argued by learned counsel for the respondent that report submitted by police under Section 173(2) of erstwhile Cr.P.C. cannot attain finality unless and until it is duly accepted by criminal law court as there is every possibility for a direction to register a criminal complaint case.

Having heard learned counsel for the respective parties and having perused the record, in our considered view in the case of ***Rahimuddin vs. Union Of India And Another (Neutral Citation No. 2025:AHC:181505-DB)***, we have dealt with all these aspects in that case and we have held that once report has been submitted by the police before criminal law court, consent of criminal law court is mandatory if person seeks issuance of fresh passport or re-issuance of passport.

In the circumstances, we therefore, do not find any manifest error in the order passed by the authority concerned. Since authority has itself directed for petitioner to apply for no objection from criminal law court, we dispose of this petition with a direction to the petitioner to obtain necessary approval from the criminal law court to visit abroad and for that if he applies within a period of four weeks from today, the concerned criminal law court/Magistrate will be passing appropriate orders upon the same in the light of relevant law and rules issued by Ministry of External Affairs and thereafter petitioner may submit copy of the order before Regional Passport Officer who will be passing order thereafter within a period one month.

With these observations and directions, this petition stands disposed of in the light of law laid down in the case of ***Rahimuddin (supra)*** which shall also apply in the present case in equal major.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

December 16, 2025

#Vikram/-