

CWP No. 439 of 2016

Date of decision:23.05.2016

Paramjit Singh**.....Petitioner****versus****Union of India and others****.....Respondents****Coram: Hon'ble Mr.Justice Rakesh Kumar Jain****Present:** Mr. Gurmeet Singh Saini, Advocate for
Mr. Dhiraj Chawla, Advocate
for the petitioner.Mr. Indresh Goel, Advocate
for respondents No. 1 to 3.Mr. V.Ramswaroop, Addl.AG, Punjab
for respondents No. 4 to 6.**Rakesh Kumar Jain, J.(Oral)**

Shri Dhiraj Chawla, Advocate has filed his power of attorney on behalf of the petitioner which is taken on record.

Counsel for respondents No. 3, 5 & 6 have filed separate replies today in Court and copies are given to counsel for the petitioner.

The petitioner is aggrieved against the inaction on the part of respondent No. 2 for not reissuing passport to him.

In brief, the petitioner was issued a passport No. A164964 dated 2.01.1991 which was valid upto 1.01.2001. He applied for renewal of the passport vide application dated 1.12.2014 which was processed by respondent No. 2 vide letter dated 8.10.2015 and the petitioner was directed to appear before D.P.O alongwith all original documents within 7 days. The petitioner again received a letter dated 29.10.2015 from respondent No. 2 whereby he was asked to deposit another amount of ₹ 5,000/- for processing

his file. The petitioner deposited the said amount vide receipt dated 4.11.2015. However, since the petitioner's passport was not being renewed/reissued, the petitioner made an inquiry and came to know that an adverse report has been received on account of FIR No. 63 dated 6.07.1991 which was registered against him about 24 years ago. The case set up by the petitioner is that in the said FIR No. 63 dated 6.07.1991 which was registered under Section 50 of Foreign Exchange Regulation Act, 1973 and Section 411/420 IPC Police Station Phillaur, District Jalandhar he was not prosecuted.

After notice, respondents have filed their replies and it is their consistent stand that though FIR No. 63 dated 6.07.1991 was registered against the petitioner on account of recovery of 200 US Dollars from one Rakesh Kumar s/o Kishan Lal R/o Apra but the petitioner was not prosecuted in the said FIR. The petitioner was not issued any kind of show cause notice and was not sent up for trial as an accused.

In view thereof, counsel for the respondents have rather submitted that the antecedents of the petitioner so far as criminal case is concerned have been found to be fine with the respondents and the petitioner shall be issued the passport on its renewal in accordance with law, de hors the said impediment.

Accordingly, the present petition is hereby disposed of with a direction to the respondents to consider the application of the petitioner for issuance of the passport to him without referring to FIR No. 63 dated 6.07.1991 as the said FIR is no more an obstacle in the path of the petitioner to get the passport. It is further directed that the needful shall be done within

a period of one month from the date of presenting certified copy of this order before the Competent authority.

23rd May, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge