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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5253/2018

SHEETAL MALHOTRA

..... Petitioner

Through Mr. Anirudh K. Mudgal, Adv.

versus

CHIEF PASSPORT OFFICER AND ORS.

..... Respondents

Through Mr. G.G.C. George, Adv. Sr. Panel
Counsel with Mr. Santosh Kr.
Pandey, Adv. for UOI

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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16.05.2018

CM No.20387/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 5253/2018

2. Issue notice. Mr. George accepts notice on behalf of respondents no.1 to 3.

3. With the consent of the counsel for the parties, writ petition is taken up for hearing and final disposal.

4. Briefly, the facts which obtain in this case are as follows:

4.1 The petitioner is married to a person by the name, Sumit Bhahara.

4.2 According to the petitioner, Mr. Sumit Bhahara is, presently, residing in Canada and has been issued a passport bearing No.K7698553.

W.P.(C) 5253/2018

Page 1 of 3

4.3 The petitioner and her husband, i.e. Mr. Sumit Bhahara have, as it appears, fallen out.

4.4 The record shows that criminal proceedings were initiated at the behest of the petitioner and, consequently, an FIR bearing no.283/2016, dated 22.7.2016, was registered against Mr. Sumit Bhahara, under Section 498A/406/34 IPC at P.S. Kirti Nagar.

4.5 I am informed that the concerned Court has issued Non-Bailable Warrants for production of Mr. Sumit Bhahara. It appears that a Look Out Circular (LOC) was also issued *vis-a-vis* Mr. Sumit Bhahara, on 24.4.2017.

4.6 It is however, not known as to whether the LOC is, presently, alive. The petitioner's counsel is not able to tell whether the LOC was renewed after the expiry of the period of one year from the date of its issuance.

5. Insofar as the present proceedings are concerned, the limited relief sought for by the petitioner is that her representation dated 4.10.2017, ought to be disposed of by the respondents.

5.1 Via this representation, the petitioner seeks revocation/cancellation of the passport issued to her husband, Mr.Sumit Bhahara.

6. It appears that a similar application was made to the concerned Court in which criminal proceedings are pending against Mr. Sumit Bahara. The said Court, however, did not pass any order in view the

provisions of Section 10(3) of the Passports Act, 1967, which mandated the concerned authority to pass such a direction.

7. Learned counsel for the respondents says that if a direction is issued by this court, the concerned authority will deal with the petitioner's representation and pass a speaking order qua the same.

8. Accordingly, the writ petition is disposed of with the direction to the respondents to deliberate on the representation dated 4.10.2017, filed by the petitioner.

8.1 The concerned authority will pass a speaking order, as expeditiously as possible, though, not later than four weeks from the date of receipt of a copy of the order.

9. Before the concerned authority passes an order on the representation of the petitioner, it will issue prior notice to both the petitioner as well as Mr. Sumit Bhahara. Mr. Sumit Bhahara will be given due opportunity to defend his position.

10. In case, the petitioner is aggrieved by the final determination made qua her representation, she will have liberty to assail the same in the manner known to law.

11. *Dasti.*

RAJIV SHAKDHER, J

MAY 16, 2018

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