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

+ **W.P.(C) 11682/2018 and CM APPL. 45139/2018**

MIRZA TANZEEM ALAM BEG Petitioner
Through: Mr Shadman Ali, Advocate.

versus

UNION OF INDIA Respondent
Through: Mr Jasmeet Singh, CGSC for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.11.2018**

1. The petitioner has filed the present petition, *inter alia*, praying that respondents be directed to issue appropriate instructions to Consulate General of India, Sydney to issue Police Clearance Certificate (PCC) to the petitioner without any delay.
2. The petitioner was married to Sabiha Azhar Khan on 31.08.2013 and both the petitioner and his wife had shifted to Bangalore in May 2016.
3. According to the petitioner, he divorced his wife on 30.06.2017. Apparently, this is disputed by the petitioner's wife who has also filed a complaint under the Domestic Violence Act, (234 of 2017) before the Courts in Bangalore. The petitioner's wife had also filed a complaint under Section 498A IPC against the petitioner and his family at PS Mahadevpura, Bangalore. The petitioner and his family were granted anticipatory bail by the Courts of Sessions Judge, Bangalore by an order dated 24.04.2018.
4. The petitioner is a resident in Australia and it is stated that he has been offered an employment which enables him to take permanent residency

in that country. It is in this context that the petitioner had applied for a PCC, which has been denied by the Consulate General of India.

5. It is apparent from the above, that the principal reason for refusing PCC is the dispute pending in Courts at Bangalore. The substratal cause has thus, arisen in Bangalore and the relevant material for deciding the controversy in this petition is also within the jurisdiction of the Courts in Bangalore. In this view, this Court – by applying the principle of *forum non-conveniens* – does not consider it apposite to entertain the present petition.

6. In view of the above, the present petition is disposed of leaving it open for the petitioner to seek remedies before an appropriate Court. The pending application is also disposed of.

NOVEMBER 14, 2018
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VIBHU BAKHRU, J