

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1407 OF 2019

Mr. Hemant Pukhraj Jain

...Petitioner

vs.

Regional Passport Office, Mumbai and Ors.

...Respondents

V. S. Kapse a/w. Kunal Rane i/b Nikhil S. Rajeshirke for the
Petitioner/Applicant.

Mr. D. P. Singh for Respondent No.1.

Mr. S. S. Hulke, APP for the Respondent/State

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 21/02/2020.

PC.:

. This Petition is filed for direction to respondent No.1 to issue police clearance certificate. The petitioner has filed Criminal Application (APL)No.1083/2015. Prayer in the application is to quash and set aside the FIR under sections 420, 465, 468, 471, 506 read with 34 of IPC. That FIR is lodged by respondent No.3 through respondent No.2 therein. The dispute arose because of not allotting permanent alternate accommodation as per agreement between the parties.

2. During pendency of the application, Respondent Nos. 2 and 3 have settled the matter and respondent No.3 has given no objection for quashing of FIR. This development had taken note of in the order dated 11/1/2018 by this Court. The petitioner now desires to have visa and it is being denied because of pending FIR. He is not getting police verification report. Learned APP informs that as FIR is pending, clearance cannot be given.

3. Learned counsel for the petitioner and counsel appearing for Respondent Nos.1 and 2 submit that unless and until there is police verification report, request of the petitioner cannot be allowed.

4. In view of this development we direct respondent Nos.1 and 2 to issue necessary police clearance certificate/verification report to the petitioner within 2 weeks from today. Mentioning of present FIR No.114/2015 in it or pendency of present APL in that police clearance certificate/verification report shall be ignored by Respondent Nos.1 and 2 for the purpose of consideration of entitlement of the applicant/petitioner to visa.

5. With these directions we partly allow Criminal Writ Petition and dispose it of.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)