

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4208 OF 2019**

Manohar R. Sharma and ors. ... Petitioners
V/s.
Union of India and ors. ... Respondents

Ms Armin Wandrewala i/b Mr. Ameya V. Borwankar for the
Petitioners.
Mr. D.P. Singh for Respondent Nos.1 to 3.
Mr. P. D. Borkar for Respondent No.4.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.
DATE : JANUARY 27, 2020.**

P.C.

1] Heard respective counsel. We do not find it necessary to delve more into facts. Passports of petitioner Nos.1 and 2 have been impounded by respondent No.3 on the ground that the arrest warrant has been issued against them. Later on, that arrest warrant had been quashed and set aside.

2] Arrest warrant is in FIR No.11 of 2018 under sections 498-A, 406, 328, 307 and 120-B of Indian Penal Code lodged by respondent No.4-wife of petitioner No.3.

3] In changed situation, petitioner Nos.1 and 2, therefore can approach respondent No.3 pointing out that there is no arrest warrant against them. The authority thereafter can

release the impounded passports in their favour.

4] Insofar as petitioner No.3 is concerned, he is son of petitioner Nos.1 and 2. Submission of the petitioners is that when FIR was filed, petitioner No.3 was and is residing because of his employment at Singapore. Thus, he is not staying at Bidaspur, which is the address given in FIR by respondent No.4. Since wrong address has been given, he was not served.

5] Learned counsel for respondent No.4 disputes this.

6] We again do not go into these niceties. Petitioner No.3 has, during arguments, stated that even for appearing in matter filed at Bidaspur Court, Rajasthan, he needs passport.

7] During arguments, we gathered that some proceedings between parties are also pending before the Hon'ble Apex Court. It appears that petitioner No.3 has sought anticipatory bail and that matter is now pending in Hon'ble Apex Court.

8] We, therefore, find that on one hand passport of petitioner No.3 has been impounded on the ground of

issuance of arrest warrant against him and on the other hand, he has been stopped from entering the country by impounding his passport.

9] Hence, we permit petitioner No.3 to apply (online or through Lawyer) to respondent No.3 for releasing his passport pointing out his readiness and willingness to submit to legal provisions and jurisdiction of the Court. If such application is made by him within 4 weeks from today, respondent No.3 shall take a suitable decision upon it within next 4 weeks.

10] Needless to mention that the orders passed by this Court shall be subject to further orders to be passed by the competent Court in the matter.

11] Accordingly, petition is partly allowed and disposed of it.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)