

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.204

**Civil Writ Petition No.14328 of 2021
Date of Decision : November 16, 2021**

Kuldeep Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Narang, Advocate, for the petitioner.

Ms. Shweta Nahata, Advocate for respondents.

SUDHIR MITTAL, J. (ORAL)

The petitioner had applied for a passport on 25.04.2018. The concerned authorities sought a police verification report. An adverse police verification report was received that FIR No.110, dated 11.09.2015, registered at Police Station City Fazilka, under Section 452, 506 IPC and 27 of the Arms Act, 1959 is pending against the petitioner. Thereupon, the file of the petitioner was closed. Hence, the present writ petition has been filed.

Learned counsel for the petitioner has argued that pendency of an FIR is no ground to refuse a passport. Further, a cancellation report has been submitted as the petitioner has been found innocent. Although, proceedings on the cancellation report are pending, the passport can always be issued during the pendency thereof.

Short reply on behalf of respondents has been filed, wherein it has been submitted that on 05.10.2018, the passport application submitted by the petitioner was closed as Court case was pending. An endorsement to this effect exists on communication dated 12.09.2018 copy annexed as

Annexure R-3. This fact was communicated to the petitioner vide letter dated 08.10.2018 copy Annexure R-4 and thus, it is wrong to say that the application is not being processed by the respondents. In fact, the application has been closed at his own request.

In response to the short affidavit, learned counsel for the petitioner has argued that the letter Annexure R-4 is at variance with the endorsement Annexure R-3. It does not state that the file has been closed at the request of the petitioner. Thus, directions be issued to reopen the file.

Annexure R-3 makes it very clear that an endorsement was made on letter dated 12.09.2018 that Court case is pending and therefore, the file may be closed. Signature of the petitioner under the endorsement is not denied. Thus, even though contents of Annexure R-4 may be at variance with this endorsement, it would make no difference. The petitioner knew that the file had been closed as he had made a request in this regard. Thus, he cannot maintain the present writ petition.

In view of the above, the writ petition is disposed of. If so advised, the petitioner may file a fresh application for a passport which shall then be processed in accordance with law.

November 16, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No