

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1185 OF 2022
IN
CRIMINAL WRIT PETITION NO. 1902 OF 2014

Pankaj Hiralal Khullar

.. Applicant

Versus

Regional Passport Officer & Anr.

.. Respondents

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- Mr. Kushal Mor a/w Marmik Shar & Kunar Bilaney for the Applicant
 - Ms. A.S. Pai, PP for the State
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CORAM : S.S. SHINDE &
MILIND N. JADHAV, JJ.

DATE : JUNE 10, 2022

P.C.:

1. Heard learned counsel for the Applicant and learned PP for the State.

2. By the present Application, the Applicant has prayed for the following reliefs:-

- "(a) Issue appropriate directions to the Respondent No. 1 to issue a 10 year passport to the Applicant on his application for renewal / re-issuance of his passport being File No. BO3075755367421;
- (b) Issue appropriate directions to the officers of the Worli Police station to provide police verification to the Respondent No. 1 for the re-issuance / renewal of Passport to the Applicant;"

3. On 06.04.2017, this Court passed the following order in Writ Petition No. 1902 of 2014:-

- "1. The petitioners, three in number, are not present in Court. However, the second respondent who is claiming to be a member of the Cooperative Housing Society together with the petitioner are involved in a dispute over car parking. The allegation is that the petitioners are not parking their vehicles at the allotted area in the allotted slot. They were parking the vehicles everywhere except the slot and that causes nuisance, disturbance and annoyance to the other

members. On the given date and time, the petitioners did not allow the respondent to proceed in the direction where he was supposed to park his car. That is how the allegation of wrongful restraint is made.

2. In the light of the fact that this is a Cooperative Housing Society at Worli, Mumbai, both sides are educated and mature enough, one of whom is a senior citizen, that we suggested that this dispute has to be resolved and by a democratic process. On taking instructions, Mr. Nakhwa states that the petitioners are ready and willing to attend a Special General Body Meeting convened by the Managing Committee of the Cooperative Housing Society with an agenda item of parking of vehicles on the allotted places. The petitioners will abide by the resolution of this General Body and cooperate with the Managing Committee in due implementation of the same.
3. It is in these circumstances that we direct that if a charge-sheet is not filed, let it not be filed for a period of four weeks from today. List this petition on 4th May, 2017."

4. The stay in the above order has come to be continued from time to time.

5. Petitioner No. 2 / Applicant herein, amongst the three Petitioners in WP No. 1902/2014 has preferred the present interim application for renewal / re-issuance of his passport and providing a police verification certificate for the same in view of pending C.R. No. 71/2014 under section 341 r/w 34 of IPC.

6. Applicant submits that his daughter works for Apple Inc. in the United States of America (U.S.) and is a resident there since 2019; he desires to meet her and travel to the U.S.; he applied for renewal / re-issuance of his old passport on 26.10.2022 which had expired; that he had not mentioned about the pendency of the above F.I.R./C.R. No. 71/2014 in his application in view of section 6(2)(f) of the Passports Act, 1967 read with O.M. dated 10.10.2019 issued by the Ministry of External Affairs; that he received a message on 06.12.2021 for fresh

police verification; that he submitted copies of the quashing petition and orders passed by this Court; but on 25.02.2022 he was informed that he would have to obtain a specific order from the High Court for seeking renewal or re-issuance. In the meanwhile, the Worli Police Station has submitted an adverse report in respect of the Applicant. On 14.03.2022, the Applicant received a response from the Respondent No. 1 seeking clarification regarding the pending trial in C.R. No. 71/2014 against the Applicant.

7. Learned PP has brought to our notice the order dated 06.04.2017 and submitted that the said petition is still pending.

8. We have perused the papers of Writ Petition No. 1902/2014 and the present application. Applicant is a member of the society and the incident in respect of which FIR has been filed pertaining to parking of cars in the non-designate areas of the society. It is seen that under interim order of this Court, the parties have also attended the annual general meeting without prejudice to their rights and contentions. Save and except the singular C.R. No. 71/2014, there is no other pending case against the Applicant. The Applicant is a businessman based in Mumbai and *prima facie* his request / ground pleaded in the Application appears to be genuine. The Applicant is also not convicted of any offence and his antecedents are clean, save and except the present case.

9. In view of the above, we find no impediment in accepting the request of the Applicant for seeking renewal / re-issuance of his expired passport, which shall be done in accordance with law. The Interim Application stands allowed and disposed of in terms of prayer clause (a) and (b).

[MILIND N. JADHAV, J.]

[S.S. SHINDE, J.]

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