

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4124 OF 2022
[For Issuance of Passport of Minor Son]
IN
CRIMINAL WRIT PETITION NO.5691 OF 2021**

Shweta Tiwari] **Applicant**
[Org. Petitioner]

Vs.

1. State of Maharashtra]

2. Abhinav Kohli] **Respondents**

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Mr. Simil Purohit a/w Ms. Kalpna Ashar, MR. Dhaval Patil and
Ms. Sapna Sharma i/b M/s. K. Ashar & Co., for Applicant.

Mr. S.S. Hulke, A.P.P, for Respondent No.1 -State.

Mr. Abhinav Kohli, Respondent No.2 in person.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 6th DECEMBER, 2022.

ORDER: [Per Prithviraj K. Chavan, J.]:

1. This is an application by the applicant seeking direction to the Respondent No.2-husband to issue his No Objection Certificate to the Passport Office at Bandra-Kurla for renewal of

passport to their son Master Reyansh or in the alternative, to direct the respondent No.2 to remain present at the Passport Office at Bandra-Kurla Complex at a mutually convenient time on a working day along with the applicant to comply with the requisite formalities as required by the Passport Office *qua* renewing passport of Master Reyansh.

2. We heard learned Counsel for the applicant and the respondent No.2, who appears in person.

3. Indubitably, the applicant and the Respondent No.2 are husband and wife, who are blessed with a son - Master Reyansh. It is needless to go into the allegations and the counter allegations between husband and wife, who are at loggerheads by filing petitions in the Court.

4. It is submitted by the learned Counsel for the applicant that passport of Master Reyansh bearing No. R 4091226 issued by the Regional Passport Office Mumbai was valid from 21st August, 2017 to 20th August, 2022. Since the passport is required to be

renewed, the Passport Authorities vide communication dated 21st November, 2022 (Annexure "C") through an e-mail to Reyansh requested to submit his father's (respondent No.2's) consent along with his photo ID or to submit Court order, if any, showing exclusive custody of the minor with the mother (applicant). It is further submitted that the respondent No.2 is reluctant and not willing to attend the passport Office for the purpose of renewal of the passport of Reyansh.

5. The Respondent No.2, who appears in person, submits that he has an apprehension that in case passport of his son Reyansh is renewed, the applicant would take him out of the country forever which would frustrate his rights as a father.

6. After hearing the learned Counsel for the applicant and the Respondent No.2 in person for a considerable time, when we allowed the application, the respondent No.2 seeks time to file reply to the application which cannot be countenanced, once he has already been heard at length.

7. Even otherwise, renewal of the passport of Master Reyansh cannot be stalled only because the Respondent No.2 is not willing to give his no objection or to remain present at the passport office. In so far as the apprehension of the Respondent No.2 is concerned, we make it clear that without seeking leave of this Court, the applicant shall not take/carry Master Reyansh with her to any foreign country.

8. In light of the aforesaid observations, we direct the Respondent No.2 to issue his No Objection Certificate to the Passport Authority within a week from today or shall remain present in the Passport Office at Bandra-Kurla Complex, Mumbai within a period of one week from today for renewal of passport of Master Reyansh at a mutually convenient date.

9. If the respondent No.2 fails to comply either of the aforesaid directions, Passport Authority shall renew the passport of Master Reyansh, in accordance with law.

10. The application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]