

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3025 OF 2022**

Satish Menon

....Petitioner

Versus

Union of India and ors.

....Respondents

Mr. Abhay Nevagi along with Mr. Amit Singh and Kabeer Pansare
i/b. Abhay Nevagi and Associates, Advocates for the Petitioner.
Mr. Y. R. Mishra along with Mr. D. A. Dube, Advocate for
Respondents- UOI.

**CORAM : S. V. GANGAPURWALA &
S. G. DIGE, JJ.**

DATE : 16th NOVEMBER, 2022.

P.C. :

1. Learned advocate for the petitioner submits that the petitioner has filed an application for registration as an Overseas Citizen of India card holder. The said application is filed on or about 9th March, 2020. According to the learned counsel for the petitioner, the said application is still under process and decision has not been taken on it as yet.

2. Learned counsel for the respondents submits that the petitioner did not disclose the pendency of criminal case against him. The petitioner was duty bound to disclose the same.

3. Learned counsel for the petitioner submits that the petitioner, at the time when the application was made, was not aware of any criminal proceedings pending against him. One person viz. Mahesh Patil appears to have approached the police authorities for filing of FIR. The police did not register the FIR as the same was without substance. Thereafter, he filed a private complaint. Learned magistrate has till date not taken cognizance of the same. As the petitioner was not aware of any criminal proceedings pending, there was no way the petitioner could have narrated anything about the criminal case.

4. It appears that on the date the application was made, the petitioner was not aware of any criminal case pending against him. It is also submitted that the private complaint is filed by one Mahesh Patil, however, cognizance of the same is not yet taken by the magistrate.

5. Be that as it may, the authority was duty bound to take a decision on the application of the petitioner either way. The authority certainly will be required to consider all the relevant

aspects of the matter such as the knowledge of the petitioner of the criminal case pending, whether the aspect of cognizance not been taken by the magistrate of the complaint as yet would be an impediment and all relevant aspects shall be considered.

6. The authority shall take decision on the application of the petitioner for registration as an Overseas Citizen of India card holder expeditiously and preferably on or before 24th December, 2022.

7. The writ petition is disposed of. No costs.

(S. G. DIGE, J.)

(S. V. GANGAPURWALA, J.)