

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

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C.W.P. No. 12108 of 2022

Date of Decision:- 30.05.2022

MINAKSHI BHALLA

....Petitioners

vs.

UNION OF INDIA AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Ms. Arundhati Kulshreshtha, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner was married to one Bhupinder Singh, who died in the year 2009. In the year 2011, her passport was re-issued but it continued to reflect the name of her deceased spouse. In 2012, the petitioner got married with one Rajesh Sharma and relations with him are strained. The petitioner has filed a petition under Section 125 Cr.P.C. for maintenance whereas Rajesh Sharma has filed petition for custody of the minor child. In 2021, the passport was re-issued once again and the same also reflects the name of her deceased husband. Thus, show cause notice dated 28.4.2022 was received by the petitioner for suppressing information while applying for re-issuance of passport. Vide letter dated 10.05.2022 a reply was submitted claiming that the name of the deceased husband was mentioned by way of an inadvertent mistake, but, vide order dated 25.5.2022, the petitioner has been asked to surrender her passport. Thus, the present writ petition has been filed.

Learned counsel for the petitioner has submitted that mention of the deceased husband's name was inadvertent. In the reply to the show cause notice, the

necessary rectification has been referred to. In fact, a copy has been enclosed therewith. Mention of wrong marital particulars attracts a maximum fine of ₹ 2500/- and the petitioner is willing to pay the same. Thus, order directing surrender of the passport is illegal.

Section 12 of the Passports Act, 1967, provides for penalties for various offences. One such offence is suppression of relevant particulars. For the same, penalty of imprisonment for a period of two years or payment of fine upto ₹ 5000/- or both is provided. Thus, the argument that mention of wrong marital particulars does not involve criminal prosecution, cannot be accepted.

Learned counsel for the petitioner then submits that the passport authorities be directed to entertain the application filed for correction of particulars.

Filing of applications for re-issuance of passport/correction of particulars is an online process. Anybody can file any application that he wants to and thus directions in that regard need not be issued

As on date, the petitioner has only been asked to surrender the passport. She must comply with the order, where-after, she can approach the concerned passport authorities and make submissions in accordance with law. The passport authorities are duty bound to take into consideration the submissions made and then pass an order.

The writ petition has no merit and is dismissed.

May 30, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No