

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

203

CWP No.23748 of 2022

Date of decision: 20.12.2022

Amandeep Sharma

....Petitioner

V/s

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Varinder Singh, Advocate for
Mr. Vivek K. Thakur, Advocate for the petitioner.

Ms. Shweta Nahata, Advocate
for respondent Nos.1 and 2.

Mr. Rajesh Mehta, Addl. AG, Punjab
for respondent Nos.3 to 5.

VIKAS SURI, J. (Oral)

The petitioner has invoked jurisdiction through this petition preferred under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing respondent Nos.1 and 2 to re-issue passport to the petitioner with a further prayer to direct respondent Nos.3 to 5 to send police clearance to the office of the second respondent.

Upon notice of motion, status report dated 24.11.2022 was filed. On 29.11.2022, the following order was passed:

“Status report pursuant to the order dated 17.10.2022, has been filed in Court. The same is taken on record. A copy thereof supplied to learned counsel for the petitioner.

Learned counsel for the petitioner would point out that in Para 7 of the aforesaid status report, it has been categorically submitted that the petitioner was declared innocent and thus, was kept in column No.2 in the FIR in question i.e. FIR No.107 dated 18.07.2017 under Sections 452, 354, 323, 324, 148,

149, 427, 201 IPC (Section 452, 354, 427 IPC have been deleted vide DDR No.30 dated 18.01.2018), (Section 201 IPC has been added vide DDR No.18 dated 26.08.2018), Police Station Subhanpur, District Kapurthala. However, despite having found the petitioner to be innocent after thorough investigation, the police have given negative status with regard to the police verification report, as submitted to the passport authority.

It is contended that it is not comprehensible as to how a person found innocent, could still be given an adverse police verification report only on the ground that the FIR in which his role was investigated, is pending before the Court.

Learned State counsel seeks short accommodation to clarify whether the submissions made in Para Nos.7 and 8 of the status report could co-exist in law, especially in view of the settled proposition that criminal proceedings commence only when the concerned Court takes cognizance.

Let an appropriate affidavit be filed by the fourth respondent on or before the next date, clarifying the aforesaid submission in the status report.

Learned counsel for respondent Nos.1 and 2 submits that after notice of this petition, a discrete inquiry was marked vide communication dated 25.10.2022, addressed to the fourth respondent. Specific request has been made therein to convey the objection, if any, rendering further passport facilities or otherwise so that appropriate action can be taken as per law. The said request reads,

“You are, therefore, requested to kindly re-investigate the matter keeping in view the averment of the petitioner with present status case as to whether the petitioner has been chargesheeted or otherwise. **2.** And also convey your objection if any in rendering her further passport facilities or otherwise so that appropriate action can be taken as per law. The matter may be treated as **MM Urgent.**”

It is submitted that response with regard to the above is awaited and thus, a short accommodation is prayed for filing the written statement on behalf of the passport authority.

On request, adjourned to 20.12.2022.”

Pursuant to the aforesaid order, the fourth respondent has filed his affidavit dated 20.12.2022 in Court. The same is taken on record. A copy thereof supplied to learned counsel for the petitioner.

Learned counsel for the petitioner submits that during the pendency of the present petition, passport bearing No.W-6791083 has been issued to the petitioner on 12.12.2022, which is valid upto 11.12.2032. The said passport was delivered to the petitioner by Speed Post.

It is thus, further submitted that the present petition has served its purpose and the cause of action as such, does not survive. The petition be disposed of accordingly.

Learned counsel for respondent Nos.1 and 2 acknowledges the above and submits that the passport issued to the petitioner was dispatched vide Speed Post tracking No.PP861159849IN at his given address. She raises no objection to the petition being disposed of.

Disposed of as having been rendered infructuous.

(VIKAS SURI)
JUDGE

December 20, 2022

Kapil

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No