

Ashwini V

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15123 OF 2022**

Manoj <i>Balasaheb</i> Dhanavade	...Petitioner
<i>Versus</i>	
The Union of India & Anr	...Respondents

Mr SS Panchpor, *i/b Ashwin AB & Amogh Lokhande, for the
Petitioner.*

Mr SK Halwasia, *with MM Nasiri, Senior Prosecutor, for the
Respondent-UOI.*

Mrs AA Purav, AGP, *for the Respondent-State.*

**CORAM: G.S. Patel &
Neela Gokhale, JJ.**

DATED: 6th March 2023

PC:-

1. The Petitioner is personally present in the Court. The Petitioner's application to the Respondent No.1 for additional pages in his passport was refused on the ground that some FIR had been registered against him. The Petitioner has filed a proceeding under Section 482 of the Code of Criminal Procedure 1973 and a Division Bench of this Court, by an order dated 10th February 2023, inter alia directed that no chargesheet is to be filed without leave of the Court. Notice has been issued to the Respondents in the meantime.

2. To our mind, there is no question of the authorities refusing a renewal of a passport or refusing the application for addition of additional pages. The pendency of Section 482 proceedings or even the fact of filing of the FIR cannot be a reason to deny a person's passport renewal or the additional pages.

3. Accordingly, we issue Rule, make it returnable forthwith, take up the Petition for hearing and final disposal and make rule absolute in terms of prayer clause (b) which reads thus:

“b. This Hon'ble Court be pleased to issue a writ of mandamus or any other writs in like nature and direct the Respondent No.1 and the Respondent No.3 to decide the application reference no.22-0016001146 for re-issue/ Renewal/Extension of the Validity of the passport, without insisting for permission of the Court where the criminal case is pending against the Petitioner in a time bound manner as may be decided by this Hon'ble Court.”

4. All concerned will act on production of an authenticated copy of this order.

5. The Petition is disposed of in these terms. No costs.

(Neela Gokhale, J)

(G. S. Patel, J)

Note : This order is modified by an order dated 20th March 2023 passed on a praecipe. Corrections are shown in bold and italics.