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

**CWP-26610-2022 (O&M)
Date of Decision: 25.01.2023**

Amit

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Hardik Ahluwalia, Advocate for
Mr. Parminder Singh, Advocate for the petitioner.

Ms. Monica Chawla, Advocate for respondents-UOI.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to consider the application dated 13.06.2022 (Annexure P-5) for issuance of fresh passport of the petitioner as expeditiously as possible since there is no impediment for non-issuance of the passport in favour of the petitioner.

Learned counsel for the petitioner has submitted that there were two FIRs against the petitioner and in one FIR i.e. FIR No.180 dated 22.05.2021, the petitioner has already been acquitted on 19.08.2021 whereas in the second FIR which is FIR No.492 dated 26.08.2020, a petition for quashing of FIR on the basis of compromise was filed before this Court vide CRM-M-52534-2022 and this Court on 13.12.2022 had quashed the FIR based upon compromise. He has supplied a photocopy of the aforesaid judgment and the same is hereby taken on

record and marked as 'X'. He also submitted that he shall supply a copy of the aforesaid judgment to the learned counsel for the respondents during the course of day.

Learned counsel for the petitioner further submitted that since there is no FIR or any other criminal case is pending against the petitioner, there is no impediment or any kind of embargo for non-issuing the passport to the petitioner, and therefore, the respondents-Authority are under an obligation to consider and finalize the application which is filed by the petitioner for grant of passport.

Ms. Monica Chawla, learned counsel for the respondents-UOI has submitted that the Passport Authority was not aware with regard to the aforesaid judgment by which the FIR has been quashed. She further submitted that in fact the delay was caused because information was sought from the police authority with regard to the status of the FIR against the petitioner.

I have heard the learned counsel for the parties.

It appears that the application for grant of passport filed by the petitioner was not further processed and no action was taken on that because of the pendency of the FIR No.492 dated 26.08.2020 under Sections 148, 149, 323, 452 & 506 IPC, registered at Police Station Chandni Bagh, District Karnal. However, today the learned counsel for the petitioner has supplied the photocopy of the orders passed by this Court on 13.12.2022 whereby the FIR itself has been quashed by this Court based upon compromise.

In view of the above, the present petition is disposed of with a direction to the respondents-Passport Authority, to now consider the application of the petitioner for grant of passport afresh on the basis of the aforesaid facts and circumstances.

Let the entire exercise be completed within a period of four weeks

from today and decision be taken on the application filed by the petitioner for grant of passport strictly in accordance with law.

25.01.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |