



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on : 01.06.2023

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Pronounced on : 02.08.2023

+ **CRL.M.C. 6714/2022**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Ripu Daman Bhardwaj, SPP for CBI.

+ **CRL.M.C. 665/2023**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Anupam S Sharma, SPP for CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Abhishek Batra and Mr. Ripudaman Sharma, Advocates.



+ **CRL.M.C. 667/2023**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anupam S Sharma, SPP for CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Abhishek Batra and Mr. Ripudaman Sharma, Advocates.

+ **CRL.M.C. 685/2023**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR.

..... Respondents

Through: Mr. Anupam S Sharma, SPP for CBI with Mr. Prakarsh Airan, Ms. Harpreet Kalsi, Mr. Abhishek Batra and Mr. Ripudaman Sharma, Advocates.

+ **CRL.M.C. 715/2023**

SANJAY JAIN

..... Petitioner

Through: Mr. Vijay Aggarwal, Mr. Mukul Malik, Mr. Pankush Goyal and Mr. Divyanshu Bhardwaj, Advocates.

versus



CENTRAL BUREAU OF INVESTIGATION

..... Respondent

Through: Mr. Anupam S Sharma, SPP for CBI
with Mr. Prakarsh Airan, Ms.
Harpreet Kalsi, Mr. Abhishek Batra
and Mr. Ripudaman Sharma,
Advocates.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

RAJNISH BHATNAGAR, J.

1. The present petitions have been filed by the petitioner under Section 482 Cr.P.C. seeking directions for modification in the order dated 27.10.2022 passed by the Ld. CMM, Rouse Avenue District Court, New Delhi and further no objection for renewal of passport of the Petitioner for the period of 10 years.
2. Heard.
3. Records perused.
4. During the course of the arguments, it was brought to the notice of this Court by the learned counsel for the petitioner about the office memorandum dated 10.10.2019 bearing no. VI/401/1/5/2019 issued by Ministry of External Affairs, Government of India. The relevant portion of the same reads as follows :-

(vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview

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of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.

5. It was further argued that in view of the above office memorandum, he may be allowed to withdraw the petition with the liberty to approach the Passport authorities and the impugned order dated 27.10.2022 may not stand in the way.

6. Therefore, considering the arguments heard and in light of the office memorandum dated 10.10.2019 bearing no. VI/401/1/5/2019 issued by Ministry of External Affairs, Government of India, the present petitions are dismissed as withdrawn, however, petitioner is at liberty to approach the concerned passport authorities, who shall decide the application of the petitioner on its own merits. Further, since it is stated by learned counsel for the petitioner that cognizance in these cases have not been taken yet, the impugned order dated 27.10.2022 passed by the Ld. CMM, Rouse Avenue District Court, New Delhi shall not stand in the way in view of the above said office memorandum.

7. With the above observation, the above petitions are disposed of

RAJNISH BHATNAGAR, J

AUGUST 2, 2023

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