



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

237

CWP-7663-2024

Date of decision: 03.10.2024

GURINDERJEET KAUR

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Atul Goyal, Advocate for the petitioner.

Mr. Anil Chawla, Advocate for
Ms. Monica Chawla, Advocate
for respondent No.1-Union of India.

Mr. Gyan Parkash Saini, Advocate for
Mr. Gurinderjit Singh, Advocate
for respondent No.1-Union of India.

Mr. Aditya Sharda, DAG, Punjab
for respondents No.2 to 4.

Mr. Vikrant K Vij, Advocate
for respondent No.5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for seeking directions to the respondent-authorities to issue 'Police Clearance Certificate' in his favour.

2. It has been averred in the petition that marriage between the petitioner and respondent No.5 was solemnized on 07.11.2016 at Basant



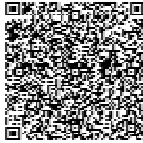
Resorts, Ferozepur Road, Ludhiana. Out of the said wedlock, one girl child was born. It is averred that on account of cruelty being meted out to her, she was thrown out of the matrimonial home in January, 2018 but was later taken back due to intervention of the family members. She was sent back again to her maternal home on 21.02.2019 to appear for her IELTS exam which she cleared in the same year. When she went back to her matrimonial house, a demand of Rs. 25 lakhs was made for travelling abroad. A transfer deed is also stated to have been executed by the father of the petitioner vide a registered document bearing Vasika No. 2019-20/103/7176 dated 16.09.2019. The said property was mortgaged for a sum of Rs. 11,00,000/- and the amount was transferred to the account of respondent No.5- Vardhman Kumar Jain. Another sum of Rs. 4,40,000/- was later paid by father of the petitioner after raising a loan from his friends and family. The petitioner also got VISA for travelling to Canada from 23.09.2019 to 23.09.2021 whereupon she shifted to Canada on 30.12.2019. She was granted work permit to expire on 03.11.2024.

3. The petitioner thereafter applied for a residency permit in Canada and had to obtain a 'Police Clearance Certificate'. She applied for the same on 28.10.2022 but it was declined by the respondents on the ground that her husband-respondent No.5 had submitted a complaint against her. It is further averred that the parties have already filed a petition under Section-13 B of the Hindu Marriage Act for seeking dissolution of marriage by a decree of divorce.



4. Separate reply(ies) on behalf of respondent No.1 and respondents No.2 to 4 had been filed. The respondent-Union of India has submitted in its reply that PCC could not be issued in favour of the petitioner on account of the adverse Police verification report and that Union of India has no concern in the said matter as it relates to act by the State. It has to act on the basis of report received.

5. Respondents No.2 to 4 have averred that the petitioner is in possession of Passport No. P5503956 which was issued to her by the Regional Passport Authority, Amritsar on the address of her in-Laws, reflecting her marital status as "Married". When she left for abroad, the minor girl child aged 05 years was left by her in India. After reaching there, she got herself issued a fresh passport No. W6247081 dated 05.01.2023 from Toronto (Canada) wherein she declared her marital status as unmarried. It has been further averred that the petitioner had applied for 'Police Clearance Certificate for the purpose of permanent Residency in Canada, however, on an enquiry undertaken by Constable Mandeep Singh No.1317/Ldh, the matrimonial dispute came to the fore. A complaint was also made by the husband of the petitioner whereupon a legal opinion was obtained from District Attorney who recommended not to issue the PCC. Accordingly the issuance of a Police Clearance Certificate was declined by the SHO, Police Station, Daba, Ludhiana and the said report was approved by the Commissioner of Police on 29.05.2023. It was pointed out that since wrong marital status has been shown by the petitioner while applying for the



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‘Police Clearance Certificate’, concealing true facts, hence, the same could not be issued.

6. Counsel for respondent No.5-husband on the other hand contends that he has no objection to the issuance of the ‘Police Clearance Certificate’ in favour of the petitioner as the matter has been resolved amongst them.

7. Considering that the issuance of ‘Police Clearance Certificate’ was declined only on the objection raised by the respondent No.5 who has no further objection to the same, I deem it appropriate to allow the present writ petition. The respondents are accordingly directed to issue a ‘Police Clearance Certificate’ in favour of the petitioner in case a fresh application is submitted but without prejudice to any other report or criminal involvement of petitioner being noticed. In such a contingency, appropriate decision shall be taken as per law.

8. Petitions stands allowed in above term.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 03, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No