

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 32192 of 2024

Date of Decision: 02.12.2024

Priya

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Parduman Garg and Mr. Kanav Goyal, Advocates
for the petitioner(s).

Mr. Karan Kumar Jund, Senior Panel Counsel
for Union of India-respondent No.1 and 6.

Mr. Jastej Singh, Deputy Advocate General,
Punjab, for respondents No. 2 to 5.

Anil Kshetarpal, J.

1. The petitioner herein is respondent No.7's wife. On account of marital discord between the husband and wife, the petitioner has lodged an FIR bearing No. 3 dated 06.03.2024 registered under Sections 420, 406, 498A and 120-B IPC, at Police Station NRI, Gurdaspur. Respondent No.7 (petitioner's husband) resides in Australia. He applied for renewal of his passport which has been renewed on 12.04.2024.
2. The learned counsel representing the petitioner admits that the final report on conclusion of the investigation the final report has not been filed by the police in the aforesaid FIR. The petitioner prays for issuance of a writ directing the respondent No.6 to impound passport of respondent No.7 as he has suppressed information regarding one FIR. The learned counsel

**Civil Writ Petition No. 32192 of 2024****2**

representing the petitioner refers to Section 10(3)(h) of the Passport Act, 1967 (hereinafter referred to as “the 1967 Act”) which presupposes the issuance of warrants, summons for the appearance or warrants of arrest issued by a Court or there is an order prohibiting his departure from India. The learned counsel further refers to Section 10(3)(b) of the 1967 Act to contend that respondent No.7 has obtained passport by suppression of material information and, therefore, the passport is liable to be impounded.

3. It is evident that as per Section 10(3) of the 1967 Act the passport authority may order impounding or revocation of any travel document if the conditions enlisted therein are not fulfilled by the holder of passport. In the present case, the dispute between the parties is arising out of matrimonial dispute.

4. In such circumstances, it would not be appropriate for the constitutional Court to issue a writ to direct the passport authority to impound the passport of respondent No.7. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

December 02, 2024
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No