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

+ **W.P.(C) 9534/2019 & CM APPL. 39162/2019**

**PARDEEP KUMAR SAHI AND ANR.** ..... Petitioners

Through: **Mr. Navin Sharma, Advocate**

versus

**GOVERNMENT OF NCT (DELHI) AND ORS.** ..... Respondents

Through: **Mr. Anubhav Gupta, Panel Counsel,**  
**Civil with Mr. Manashway Jha,**  
**Advocate for GNCTD.**

**Mr. Sushil Kr. Pandey, SPC with**  
**Ms. Neha Yadav, Advocate for R-2.**

**Mr. Harsh Sinha, Mr. Manu Pratap**  
**Singh, Advocates for R-4**

**CORAM:**

**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN**

**ORDER**

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**22.03.2024**

1. The present writ petition is filed under Article 226 of the Constitution for quashing of the order dated 24.07.2019 passed by the respondent no.2 whereby the passports of the petitioners were ordered to be impounded. The petitioners have made the following prayers:-

**A) Issue writ under article 226 of the constitution of India for issuance of writ in the nature of Certiorari / Qua-Warranto or any other appropriate writ there by quashing the order dt. 24.07.2019 passed by Respondent No. 2 wherein the Passports of the Petitioners have been impounded.**

**B) Any other relief deems fit and appropriate may also be granted.**

2. The petitioners stated that Anshuman, son of the petitioners got



married with the respondent no.4 on 06.02.2013 at Delhi. The respondent no.4 is settled in Canada since 2012 and after marriage had gone back to Canada. Anshuman also went to Canada in December, 2015. Thereafter, the relation between Anshuman and the respondent no.4 became strained, as a result of which, the litigation (civil and criminal) was initiated by both of them against each other. No child was born out of their marriage.

3. It is stated that one FIR bearing no.0529/2018 under sections 406/498A/34 IPC was got registered at P.S. Mianwali Nagar (Outer). The trial in respect of the said FIR is still pending in the concerned court besides other litigation. The petitioners before receipt of letters dated 24.07.2019 bearing reference nos. IMP/314400648/19 and IMP/314400678/19, also received a show cause notice dated 03.07.2019 from respondent no. 2 regarding the impounding of their passports under section 10(3)(e) of the Passport Act, 1967 in view of FIR bearing no. 0529/2018 which was replied vide a joint reply dated 18.07.2019. The petitioner being aggrieved by the letters dated 24.07.2019 has filed the petition.

4. The respondent no. 1 and 2 in their counter affidavit stated that as per section 10(3)(e) of the Passport Act, 1967 which empowers the Passport Authority to impound the passport, if the proceedings in respect of the alleged offence stated to have been committed by the holder of the passport are pending before the concerned criminal court in India. It was further stated that the passports of the petitioners were ordered to be impounded vide order dated 24.07.2019 in accordance with due process. The petitioners can prefer an appeal under section 11 of the Passport Act, 1967.

5. The respondent no.4 in the reply stated that FIR bearing no.0529/2018 dated 15.12.2018 was got registered at P.S. Mianwali Nagar (Outer) under



sections 406/498A/34 IPC wherein the petitioners were also implicated. The cognizance has also been taken and the trial is still pending before the concerned court. The counsel for the respondent no.4 also stated that the petitioners were admitted to bail vide order dated 15.10.2019 passed by the court of Ms. Aanchal, MM-04 (Mahila Court), West, Tis Hazari Court, Delhi with the conditions that they shall not leave India without the prior permission of the court and they shall also furnish the fresh address on record as and when they change the previous address.

6. The counsel for the petitioners stated that the impugned order dated 24.07.2019 was passed on the facts that FIR bearing no. 0529/2018 under sections 406/498A/34 IPC was got registered against the petitioners and the trial in respect of the said FIR is still pending. It is further stated that except the said FIR no any other FIR has ever been registered against the petitioners. It is further stated that the concerned court vide order dated 15.10.2019 has already imposed the conditions that the petitioners shall not leave the country without prior permission of the court at time of grant of bail.

7. The counsel for the respondent no.4 also argued that the petitioners are avoiding the trial and they are not appearing regularly before the concerned trial court to face the trial and they should be accordingly directed to appear before the concerned trial court regularly.

8. The counsel for the respondent no.2 stated that the impugned order dated 24.07.2019 was passed due to the pendency of the criminal case vide FIR bearing no. 0529/2018 against the petitioners.

9. The impugned order dated 24.07.2019 reflects that the passports of the petitioners were ordered to be impounded as per the section 10(3)(e) of



the Passport Act, 1967, as a criminal case was pending before the court against them.

10. It is reflecting that the court of Ms. Aanchal, MM-04 (Mahila Court), West, Tis Hazari Court, Delhi vide order dated 15.10.2019 has already imposed the condition on the petitioners regarding not to leave the country without prior permission of the court. The counsel for the petitioners has also stated that the petitioners shall seek necessary permission from the concerned trial court in pursuance of the order dated 15.10.2019 as and when they prefer to leave or go out of India. The petitioner shall abide by the said conditions imposed vide order dated 15.10.2019.

11. Accordingly, in view of the submissions made on behalf of the petitioners, the impugned order dated 24.07.2019, are set aside but the petitioners are directed to abide by the conditions imposed vide order dated 15.10.2019 regarding not to leave India without prior permission of the court till the said condition is set aside or modified by the concerned trial court or any court of competent jurisdiction.

12. Accordingly, the present petition along with pending application stands disposed of.

**DR. SUDHIR KUMAR JAIN, J**

**MARCH 22, 2024**

*j/abk/hvk*