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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16391/2024, CM APPL. 69086/2024 & CM APPL.
69087/2024
LAKSHYA VERMAPetitioner

Through: Mr. Sanjay Mani Tripathi,
Mr. Rajneesh Kumar, Mr. Kamal
Kant Tripathi, Mr. Suraj Kumar
Singh, Advocates.

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Mr. Rashi Kapoor,
Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
27.11.2024

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1. The present petition impugns order dated 30th July, 2024 issued by Respondents No. 2 and 3 whereby Petitioner's passport has been impounded.
2. Counsel for Petitioner has presented the following facts and contentions:
 - 2.1. The Petitioner asserts that he is well-educated and is currently working as a Corporate Global Manager in a reputed Germany based International Company. On account of matrimonial disputes between the Petitioner and his spouse, an FIR bearing No. 90/2021 dated 9th April, 2021 was registered against him at P.S. Budh Vihar, Delhi under Sections 498-A, 406 and 34 of the Indian Penal Code, 1860. Subsequently, a chargesheet was filed against the Petitioner in the aforesaid FIR on 21st April, 2022 and he



was summoned before MM-01, North-West, Rohini Court through order dated 21st May, 2022.

2.2. Meanwhile, Petitioner filed an online application for renewal of passport subsequently, a passport was issued to the Petitioner for a period of 10 years till 18th December, 2032.

2.3. Thereafter, Petitioner was served a show cause notice dated 3rd March, 2023 issued by Respondent No. 3 on the ground that he failed to disclose his pending criminal case in the passport application and was called upon to show cause as to why his passport should not be impounded.

2.4. In response, Petitioner, through communication dated 14th March, 2023, explained that since his application was for renewal of passport, he provided the information asked by the agent and no query regarding pending criminal case was put forth by the agent. However, during police verification, which was subsequent to the delivery of the passport, Petitioner disclosed the details of aforesaid FIR pending against him. He clarified that the non-disclosure of the above fact in the application form for renewal of passport, was an inadvertent mistake.

2.5. Thereafter, Petitioner preferred CrI. M.C. No. 2899/2023 under Section 482 of the Code of Criminal Procedure, 1973 challenging the chargesheet and the summoning order passed by the Trial Court. This Court, by order dated 8th May, 2023, stayed the proceedings before the Trial Court.

2.6. A second show cause notice dated 10th July, 2024 was issued to the Petitioner by Respondent No. 3 on the same grounds as the previous show cause notice. The Petitioner again filed a response, this time including the factum of stay of the proceedings before the Trial Court in the aforesaid FIR. However, on 30th July, 2024, the impugned communication was issued



impounding Petitioner's passport.

2.7. Aggrieved by the communication, Petitioner preferred an appeal on the same day appeal number APLDL40098924 was allotted, however, no decision was taken on the appeal. In this regard, Petitioner also preferred representations dated 31st July, 2024 and 1st August, 2024, but no response has been forthcoming.

2.8. In the above background, Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, 1950 seeking to quash the impugned communication and seeking directions to Respondents not to create any travel restrictions due to the pending FIR against him.

2.9. It is contended that the impugned order is illegal and arbitrary as the Respondents have failed to consider Petitioner's replies to both show cause notices issued by them, and therefore, is liable to be set aside.

3. The Court has noted the facts and grounds raise by the Petitioner. The impugned order dated 30th July, 2024 issued by the Respondents reads as follows:

"Letter Reference No.- IMP/327954584/24

Dear Sir/Madam

Please refer the Passport application pending in this office in respect of Shri/Smt/Kumari LAKSHAY VERMA of Passport Number : W8 XXXXX (passport number has been masked for preserving Petitioner's privacy)

In the absence of any response from you, your passport has been Impounded. You may however, wish to apply for a fresh passport with all the documents and required fees anytime at the Passport Seva Kendra near your place of present residence, but will have to quote the previous file number at the appropriate places in the relevant forms.

Yours Sincerely

For RPO Delhi , Regional Passport Office Delhi, Hudco Trikot-3, Bhikaji Cama Place, R.K.Puram, New Delhi-110066"

4. Upon bare reading of the impugned order, it is evident that it has been



passed solely on the ground that no response has been provided by the Petitioner. However, this is *ex-facie* contradicted by the Petitioner's responses to the show cause notices annexed with the petition. Therefore, without going into the merits of the case, in the opinion of the Court, the impugned order is arbitrary and is liable to be set aside. There has been a violation of principles of natural justice inasmuch as the Petitioner's responses to the show cause notices have not been considered prior to passing of the impugned order.

5. In light of the above, the present petition is disposed of with the following directions:

(a) Impugned order dated 30th July, 2024, is set aside. The Regional Passport Officer is directed to consider Petitioner's replies to the show cause notices and take a fresh decision thereon, in accordance with law.

(b) The Petitioner be also afforded a personal hearing by the Regional Passport Officer for which the time and date be intimated by the Regional Passport Officer to the Petitioner, within one week from today.

6. It is clarified that the Court has not examined on the merits of the case and the decision has been rendered purely on the ground of Petitioner's responses having not been considered prior to issuing the impugned order. All rights and contentions of the parties are reserved.

7. With the above directions, the present petition, with the pending applications, is disposed of.

SANJEEV NARULA, J

NOVEMBER 27, 2024/ab