

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4286 OF 2025

Rhea Naushad Shaikh

Age 47 years

.....Petitioner

Vs.

1. The Regional Passport Officer,
Mumbai, Videsh Bhavan, Bandra Kurla
Complex, Plot No. C-45, G Block,
Bandra (East), Mumbai-400051
2. The State of Maharashtra
through Senior Inspector of Police,
Oshirwara Police Station, Jogeshwari West,
Mumbai-400102 and Senior Inspector of Police,
Bhoiwada Police Station, Parel, Mumbai-12
3. The Passport Branch SB2, CID1
Additional Commissioner Office,
Special Branch, CID, Dhobi Talao,
Near St. Xavier's College,
Badrudin Tayyabji Marg, Fort,
Mumbai 400001

.....Respondents

Mr. Imran Mubarak Shaik a/w Ms. Sana Siddiquee and Mr. Jazib Wahed Aziz, for the Petitioner

Mr. Mohamedali M. Chunawala i/b Mr. A. A. Ansari, for the Respondent No.1

Ms. Pooja Joshi Deshpande, AGP, for the Respondent-State

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.**

DATE : 18th JUNE 2025.

P.C.:-

1. The Petitioner seeks a direction to the Respondent Nos. 1- Regional Passport Officer to renew her passport with a validity of 10 years. She has also prayed for compensation of Rs.50,000/- to be imposed on the Respondent No.1 for causing her stress for not renewing her the passport.

2. It appears that the Petitioner applied for renewal of her passport to the Regional Passport Office, Mumbai. However, by letter dated 20th January 2024, she received the letter from the Regional Passport Officer, Mumbai informing her that her case was not recommended for renewal of passport by the Police Station concerned. The police verification report reads as thus:

“APPLICANT IS INVOLVED IN BHOIWADA POLICE STATION CR. NO. 242/2023 U/S 323 354 504 506 34 WHICH WAS PENDING TRIAL AT HON. CITI COURT, ANDHERI, MUMBAI.

APPLICANT HAS NOT TAKEN PERMISSION FOR RENEWAL OF PASSPORT FROM CONCERN HON. COURT FOR FRESH PASSPORT, HENCE THIS CASE IS NOT RECOMMENDED.”

In these circumstances, her case was not recommended for renewal of passport.

3. The Petitioner thereafter made an Application before the Metropolitan Magistrate, 29th Court, Dadar, Mumbai seeking permission for renewal of her passport. By order dated 19th December 2023, the Metropolitan Magistrate referring to a decision dated 23rd August 2022 in the case of *Abbas Kagalwala Vs. State of Maharashtra (Writ Petition No.384/2019)* held that the Applicant needs to seek permission of the Court only at the time of traveling abroad and the Applicant does not require permission for renewal of passport and she is at liberty to move the Passport Authority for the same. Thus the Petitioner has now filed the present Petition for the said relief.

4. Mr. Imran Shaikh, learned counsel appears for the Petitioner. Mr. Mohmedali Chunawala, learned counsel appears for the Respondent No.1 and Ms. Pooja Deshpande, the learned AGP represents the State.

5. Mr. Imran Shaikh submits that there are FIRs No.0373 dated 23rd March 2024 and FIR No. 242 of 2023 lodged against the

Applicant and 8 other family members by her sister-in-law. The said FIRs are for the offenses punishable under Sections 323, 354, 504, 506 read with 34 of the Indian Penal Code, 1860 (IPC) and under Section 498A, 406 read with 34 of IPC respectively. He submits that the FIRs emanates from family disputes and only on the basis of pendency of the said case, the police verification is adverse against her. He also submits the Petitioner is granted anticipatory bail by the Sessions Court at Dindoshi, Mumbai by orders dated 22nd June 2023 and 18th July 2024 respectively on certain conditions. He thus, submits that the Petitioner cannot be denied renewal of her passport based on the criminal case pending against her involving mere family disputes. He thus, seeks the relief as prayed.

6. We have heard the counsels of all the parties and perused the papers with their assistance. We have also perused the decision dated 17th April 2025 passed by Division Bench of this Court in the matter of *Rajan Baburao Patil and Others v Union of India*¹. In that case, this Court, relying on an order dated 8th April 2024 passed by a co-ordinate Bench of this Court in Writ Petition (L) No. 1576 of 2024 in the matter of *Cyrus Keki Balsara v Union of India*² held that in a

1 2025 SCC OnLine Bom 1525

2 2024 SCC OnLine Bom 1085

case falling under the provisions of sub-section (2) (f) of Section 6 of the Passports Act, 1967, where the criminal proceedings are yet pending against the Petitioners, the Passport Office is entitled to refuse issuing passport to such Petitioners. Thus, in such cases, the Petitioners would be required to make an application to the Criminal Court where the cases are pending, seeking re-issuance of passport.

7. The Metropolitan Magistrate relying on the decision in *Abbas (Supra)* has held that there was no need to seek permission of the Court. However, it appears that the decision of this Court in *Cyrus Balsara (Supra)* was not brought to the attention of the Metropolitan Magistrate. The Magistrate was thus, bound to consider and decide the Application seeking re-issuance of the Petitioner's Passport.

8. We have perused the FIR registered against the Petitioner and other family members by the sister-in-law of the Petitioner. The allegations appear to have arisen out of domestic disputes. Moreover, while granting anticipatory bail to the Petitioner, the Trial Courts have already imposed certain conditions on the Petitioner including but not limited to the condition that the Petitioner shall not leave India

without the previous permission of that Court. In these circumstances, there can be no apprehension that re-issuance of passport will give a free pass to the Petitioner to abscond by leaving India. In that event, the Petitioner will face cancellation of her bail.

9. In view of the aforesaid discussion, the re-issuance of a passport is not likely to adversely affect the pending criminal case against the Petitioner. In any case, the criminal case is of a nature involving family disputes. We thus, direct the Respondent No.2 to forward a Police Verification Report to the Respondent No.1-Regional Passport Officer, without the word 'adverse'. However, the Respondent No.2 shall mention the pendency of the criminal case against the Petitioner in the said verification. The Respondent No.2 is directed to re-issue a fresh passport to the Petitioner for a period of five years.

10. Needless to state, that if the Petitioner is desirous of traveling abroad, she is required to seek permission of the respective Trial Court before leaving the country in terms of the anticipatory bail order dated 22nd June 2023 and 18th July 2024, respectively.

11. Petition is accordingly allowed and disposed off aforesaid terms.

12. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)