



2025:DHC:10172



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Delivered on: 17.11.2025

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CRL.M.C. 6079/2025

DEEPAK MALHOTRA

.....Petitioner

Through: Mr. Vikram Aggarwal, Adv.

Versus

STATE THROUGH SHO P.S. EOW

.....Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Rajesh Kumar NR-I/Crime
Branch Prashant Vihar Sector-14
Rohini.**CORAM:****HON'BLE MR. JUSTICE VIKAS MAHAJAN****JUDGMENT****VIKAS MAHAJAN, J (ORAL)**

1. The present petition has been filed seeking modification of the order dated 11.08.2025 passed by the learned CJM, Shahdara, Karkardooma Courts, Delhi whereby the petitioner was granted no objection certificate for renewal of his passport for a period of 05 years from the date of issuance *inter alia* subject to the condition that the petitioner/accused shall not leave India without prior written permission of this Court.

2. Mr. Vikram Aggarwal, learned counsel appearing on behalf of the petitioner submits that there are other 07 cases registered against the petitioner. In one case i.e. FIR No. RC 1202010A0010 PS CBI-ACB, Ghaziabad, UP the petitioner has already been acquitted whereas FIR No. 161/2011 dated 17.12.2011 under Sections 420/468/471 IPC registered at PS



Rajender Nagar, Delhi has been quashed.

3. He submits that other 05 FIRs are still pending and in all those cases the petitioner has been granted permission to depart from India for the purpose of consideration of his application for renewal of passport for a period of 10 years.

4. He submits that the petitioner has already gone abroad once and he has not misused the liberty so granted to him.

5. To buttress his submission, Mr. Aggarwal has handed over order sheets pertaining to the remaining 05 FIRs, proceedings in respect of which are still pending. The said FIRs are as under:-

- (i) FIR No. 166/2018 registered at PS EOW;
- (ii) FIR No. 94/2018 registered at PS EOW;
- (iii) FIR No. 276/2011 registered at PS Sarita Vihar;
- (iv) FIR No. 377/2017 registered at PS Karol Bagh; and
- (v) FIR No. 28/2021 registered at PS Crime Branch.

6. He further urges the Court that since in the other pending cases the petitioner has been granted permission for renewal of passport for a period of 10 years, the same permission may be granted to the petitioner in the present case as well.

7. He submits that in case the order dated 11.08.2025 is not modified, the passport of the petitioner shall not be renewed for a period of 10 years despite the petitioner already been granted such permission in respect of other 05 FIRs.



8. At this stage, it is relevant to refer to Section 6(2)(f)¹ of the Passport Act, 1967 which provides that the passport authority shall refuse to issue a passport or travel documents for visiting any foreign country *inter alia* on the ground that proceedings in respect of an offence alleged to have been committed by the applicant are pending before the criminal Court in India.

9. However, by way of Office Memorandum dated 06.12.2024, the Central Government while exercising its power under Section 22² of the Passport Act, 1967 has relaxed the operation of Section 6(2)(f) of the said Act subject to the following conditions:

“(i) who produce orders from the court concerned permitting them to depart from India:

(ii) Passport validity of such passport applications: (a) For the period specified in order of the court (b) if no period either for the issue of the passport or for the travel abroad is specified, the passport shall be issued for a period of one year (c) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of passport shall be issued for one year (d) if such order gives permission to travel abroad for a period exceeding one year, the passport shall be issued for the period of travel abroad specified in the

¹ Section 6 (2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

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(f) – that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

² **22. Power to exempt.**—Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may, by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

(a) exempt any person or class of persons from the operation of all or any of the provisions of this Act or the rules made thereunder; and

(b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons to the operation of such provisions.



order;

(iii) The said citizen shall give an undertaking in writing to the Passport Issuing Authority that he shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued.”

10. In view of the fact that the petitioner has already been granted permission for renewal of passport for a period of 10 years in respect of 05 other FIRs, further regard being had to the fact that the petitioner has already travelled abroad on one occasion and did not misuse the liberty, and also keeping in view the office memorandum dated 06.12.2024, this Court does not find any impediment in granting permission to the petitioner to depart from India or for the renewal of passport for a period of 10 years.

11. Accordingly, the present petition is allowed and the impugned order dated 11.08.2025 is modified to the extent that permission so granted to the petitioner to depart from India shall be for a period of 10 years and the passport authority may issue the passport to the petitioner accordingly, in accordance with the Passport Act, 1967 and the Rules framed thereunder.

12. Further, in the facts and circumstances of the present case, the condition that the petitioner/accused shall not leave India without prior written permission of the Court is also waived.

13. The petition stands disposed of.

14. Order *dasti* under the signatures of the Court Master.

VIKAS MAHAJAN, J

NOVEMBER 17, 2025/N.S. ASWAL