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

+ CRL.M.C. 6160/2025

MOHAMMED REZWANPetitioner

Through: Mr. Akshya, Adv.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh, APP for
State with SI Ankit Kumar, PS.
IFSO/Spl. Cell.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **12.12.2025**

CRL.M.A. 37217/2025 (exemption) & CRL.M.A. 37218/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 37216/2025 (seeking no objection for renewal of his passport for 05 years and to join the investigation physically)

3. The present application has been filed seeking following relief:
a) Grant the petitioner No-Objection to renew his passport bearing no.N5018370 for a period of Five years.
4. Issue notice. Mr. Ajay Vikram Singh, learned APP for the State accepts notice.
5. Mr. Akshya, learned counsel for the petitioner submits that the



petitioner was granted anticipatory bail in connection with FIR No. 214/2023 under Sections 419/420/120B IPC registered at Police Station Special Cell *vide* order dated 04.07.2025 passed by the learned ASJ-05, Patiala House Courts, New Delhi District, New Delhi subject to the petitioner joining investigation within a period of one month.

6. He submits that the petitioner has already joined investigation virtually, however, the petitioner who is presently based in United Kingdom (UK) could not travel to India for joining the investigation physically as his passport has expired.

7. In this backdrop, the petitioner has filed present application seeking no objection for renewal of his passport bearing no. N5018370 for a period of 05 years as criminal proceedings arising out of aforesaid FIR are still pending before a criminal Court in India.

8. To be noted that under Section 6(2)(f)¹ of the Passport Act, 1967 (hereinafter, 'the Act') the Passport Authority is obliged to refuse issuance of passport *inter alia* on the ground that the proceedings in respect of an offence alleged to have been committed by the applicant are pending before the Criminal Court in India.

9. This Court can also take judicial notice of the Office Memorandum dated 06.12.2024, issued by the Government of India by invoking the powers under Section 22² of the Passport Act, 1967, whereby the condition

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: -

xxx

xxx

xxx

(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,



under Section 6(2)(f) of the Act has been relaxed. The relevant part of the said notification reads thus:

“No. VI/405/04/08/2024
Government of India
Ministry of External Affairs
(PSP Division)

Patiala House Annexes, Tilak Marg
New Delhi 6th December 2024

OFFICE MEMORANDUM

Subject: Processing of the passport applications of the applicants having pending criminal case/proceedings

xxx

xxx

xxx

4. The Central Government exercising the power conferred by Section 22 of the Passports Act, 1967 published the Official Gazette [GSR 570 (E) dated 25.08.1993] exempted citizens of India who are facing criminal proceedings, from the operation of Section 6(2)(f) of the 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

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 anticipatory bail and he is presently in UK with his travel documents/passport having expired, and further considering that the petitioner has expressed his willingness to come to India to join investigation physically with the I.O concerned, no objection is granted to the petitioner for renewal his passport for a period of 05 years, to enable him to travel back to India.

11. With the aforesaid direction, the application i.e. CRL.M.A.37216/2025 stands disposed of.

CRL.M.C. 6160/2025

12. In view of the aforesaid order, Mr. Akshya, learned counsel for the petitioner does not wish to press the substantive prayer in the present petition.

13. Accordingly, the petition stands disposed of.

14. The date already fixed i.e. 24.02.2026 stands cancelled.

VIKAS MAHAJAN, J

DECEMBER 12, 2025/dss