Serial No. 189

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) No. 2691/2026
CM 7369/2026

Hafizullah Bhat
S/o. Zafrullah Bhat
R/o. edipora Bomai, Zaingeer, ,
District, Baramulla.

…Petitioner

Through: *Mr. Saleem Gul, Advocate*

Vs.

1. **Union of India Through Secretary,**
   Ministry of External Affairs,
   Government of India, New Delhi.
2. **Regional Passport Officer, Srinagar,**
3. **Special Director General CID, J&K, Srinagar.**
4. **Senior Superintendent of Police,**
   Police District Sopore District, Baramulla.

...Respondents

Through: *Ms. Shagufta Maqbool, Advocate (R- 1 & 2).*

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

28.10.2026

1. Ms. Shagufta Maqbool, Advocate appears and accepts notice for respondents 1 & 2.
2. Heard the submissions of learned counsel for the petitioner in respect of the matter.
3. The case of the petitioner, in nutshell, is that he is a law-abiding citizen of India, permanently residing in the Union Territory of Jammu and Kashmir. That he was issued a passport bearing No. M2682055 on 20.10.2014, which remained valid till its expiry on 19.10.2024, and upon expiry of the said passport, he applied for issuance of a fresh passport vide File No. SG40657058653 on

03.08.2025. That he received a communication dated 04.08.2026, requiring him to furnish clarification regarding an adverse police verification report wherein he was shown involved in FIR No. 176/2009 under Sections 148,336, 341, 332, 353 and 427 RPC of Police Station Sopore. That he approached the police authorities and a certificate dated 10.08.2026 was issued by the Deputy Superintendent of Police (Dy. SP) Headquarters Sopore, certifying that he has not been found involved in any subversive activity and that the said case has ended in acquittal on 26.04.2016. That the learned Chief Judicial Magistrate, Sopore acquitted all the accused persons including him in the aforesaid case FIR No. 176/2009 of Police Station, Sopore, as the prosecution failed to produce even a single witness despite ample opportunities. That he submitted his clarification along with the said certificate and the order of acquittal which was received by the respondents on 03.08.2026, but till date no fresh passport has been issued in his favour. That the earlier passport was issued in the year 2014, when the trial of the said case was going on and now after his acquittal he is being denied the passport on the false ground of pendency of criminal case, due to which he has lost a job opportunity secured by him in one of the Gulf countries which has seriously affected his right to livelihood. That in view of the violation of rights guaranteed to him under Articles 14, 19 and 21 of the Constitution he seeks indulgence of this Court in the matter through the medium of writ petition.

4. The petitioner has, accordingly, prayed for issuance of writ of mandamus, directing the respondents to process his passport

application bearing File No. SG40657058653 dated 03.08.2025, forthwith and issue a fresh passport in his favour without taking into consideration the case bearomg First Information Report (FIR) No. 176/2009 of Police Station Sopore in which he stands already acquitted vide order dated 26.04.2016.

5. The learned counsel for the petitioner, during his preliminary submissions, contended that he was earlier facing trial in a criminal case bearing FIR No. 176/2009, under Sections 148,336, 341, 332, 353 and 427 RPC of Police Station Sopore, before the court of learned Chief Judicial Magistrate, Sopore which ended in acquittal of all the accused persons including him. That even first passport came to be issued in his favour during the pendency of the aforesaid criminal case and astonishingly now despite his acquittal in the said case/FIR, passport applied for has not been reissued in his favour. The learned counsel also submitted that he was received a communication from the office of the Regional passport officer, Srinagar dated August 4th, 2026, informing him that the said office has received an adverse police verification report in his matter, whereafter he approached the said office of respondent No. 2 and submitted his explanation, *inter-alia* submitting in the same that the criminal case bearing FIR No. 176/2009 of Police Station, Sopore stands dismissed by the learned trial court of Chief Judicial Magistrate, Sopore with the acquittal of all the accused persons including him. That he also furnished a copy of the certificate, issued by the office of Deputy Superintendant of Police Headquarters, Sopore, in his favour certifying therein that he is not involved in any kind of subversive activity and secondly the

criminal case bearing FIR No. 176/2009, under Sections 148,336, 341, 332, 353 and 427 RPC of Police Station, Sopore stands dismissed by the trial court of learned Chief Judicial Magistrate, Sopore with the acquittal of the accused including him, i.e, the petitioner.

6. In the facts and circumstances of the case, this Court is of the opinion that the matter can even be disposed of at this stage by passing of appropriate directions, as the petitioner appears to have been illegally denied reissuance of passport in his favour, thereby violating his fundamental rights guaranteed to him under the Constitution.

7. Accordingly, the instant petition is disposed of with the direction to the respondent No. 2, i.e, Regional Passport Officer, Srinagar to consider the re-issuance of passport in favour of the petitioner while keeping in view his acquittal in the criminal case bearing FIR No. 176/2009 of Police Station Sopore, provided there is no other legal impediment in issuance of the same. However, the respondent No. 2 is at liberty to require the furnishing of the certified copy of the court order dated 26.04.2016, whereby the accused persons including the petitioner is reported to have been acquitted in the case FIR No. 176/2009 of Police Station, Sopore.

8. ***Disposed of.***

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
28.10.2026
"Abdul Rashid"