Serial No. 39

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

****

WP(C) 3330/2025 CM(8975/2025).

ABDUL RASHID SHAH (SENIOR CITIZEN).

…Petitioner/appellant (s)

Through: Mr. Syed Sajad Geelani, Adv with
Mr. Masood Ahmad, Adv.

VERSUS

UNION OF INDIA AND ORS. (EXTERNAL AFFAIRS).

Through: Ms. Yasmeen Jan, Adv vice
Mr. T.M. Shamsi, DSGI.

…Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

23-11-2026

1. The petitioner, through the medium of this petition, is seeking a direction upon the respondents to issue passport in his favour.
2. As per the case of petitioner, he was holding a valid passport which expired on 09.06.2025. The petitioner is stated to have applied for renewal of his passport vide his application dated 17.05.2023. It has been submitted that the petitioner repeatedly approached respondent No. 2 but he was informed that respondent Nos. 3 & 4 have not granted clearance in his favour.

3. A writ petition bearing WP(C) No. 972 of 2024 was filed by the petitioner before this Court, which was disposed of on 19.11.2024 directing the respondent No.3-ADGP, CID, to submit a verification report to respondent No. 2 within three weeks and thereafter directing respondent No. 2 to consider the case of the petitioner on merits.
4. It has been submitted that Regional Passport Office issued a show cause notice dated 10.09.2025 to the petitioner alleging that an adverse police verification report has been received, as FIR No. 32 of 2012 registered with Vigilance Organization Kashmir, had been filed against him.
5. The petitioner has submitted that the said FIR has been quashed by this Court vide judgment dated 29.05.2018, passed in CRM(C) No. 84/2016, and this information was furnished to respondent No. 2. It has been submitted that mere pendency of FIR cannot become a ground for delaying issuance/renewal of passport. According to the petitioner, he had filed a contempt petition before this Court and in the said contempt petition an order came to be passed on 02.07.2025, directing respondent No. 3 to submit a fresh verification report, whereafter respondent No. 2 was directed to take final decision within two weeks. However, despite passing of the said order, no action has been taken by respondent No. 2.
6. In the reply filed by respondent No. 3, it has been submitted that a factual report was forwarded to the Regional Passport Office, Srinagar, stating therein that the petitioner has remained involved in FIR No. 33/2012, registered with Police Station Vigilance Organization,

Kashmir, and the said FIR came to be quashed by this Court in terms of judgment dated 11.12.2018. It was also reported that judgment has been assailed by Anti-Corruption Bureau before the Supreme Court by way of SLP(C) No. 8055/2019, which is still pending. Respondent No. 3 has further submitted that its job is only to conduct verification of character and furnish the requisite factual report and it is duty of respondents No. 1 and 2 to take a decision on the basis of the factual report.

7. Respondent Nos. 1 and 2 have not filed reply to the writ petition so far.

8. Heard learned counsel for the parties and perused the record.

9. As is clear from the pleadings of the parties, the police authorities have submitted the verification report with respondent No. 1 and 2. As per the said verification report, FIR registered against the petitioner stands quashed by this Court and appeal is pending against the judgment of this Court before the Supreme Court. The issue whether merely on account of pendency of the SLP against the judgment quashing the FIR, the application for issuance of passport can be rejected, is to be decided by the Passport Issuing Authority. The said Authority cannot sit over the matter even after receiving the report from the security agencies.

10. Therefore, without going into issue as to whether mere pendency of FIR, which has been quashed by orders of this Court and against which an appeal is pending before the Supreme Court, can form a ground for rejection of the passport, this petition is ***disposed of*** with a direction to respondent No. 2 to take a decision on the application of petitioner for

grant of passport most expeditiously, preferably within a period of 15 days from the date a copy of this order is made available to the said respondent.

11. Needless to mention that in case any adverse order is passed by respondent No. 2 against the petitioner, he is at liberty to avail appropriate remedy under law.

(Sanjay Dhar)
Judge

SRINAGAR
23-11-2026
Sarvar

HIGH COURT
JAMMU & KASHMIR AND LADAKH