

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.229 OF 2026

Akshay Vilas Bardapurkar,]
R/o. Mulund (West), Mumbai] .. Petitioner

Versus

1. State of Maharashtra,]
Through Home Department]
2. Commissioner of Police, Mumbai]
3. Deputy Commissioner of Police,]
Special Branch, Mumbai City]
4. Senior Inspector of Police,]
Sion Police Station, Mumbai]
5. Senior Inspector of Police,]
Andheri Police Station, Mumbai] .. Respondents

Mr. Siddhesh Borkar with Mr. Sanket Lohote and Mr. Hitendra Parab, Advocates for the Petitioner.

Mrs. M.M. Deshmukh, In-Charge Public Prosecutor with Mr. S.V. Gavand, Additional Public Prosecutor for the Respondents-State of Maharashtra.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 27TH JANUARY 2026.

P.C. :

Invoking the jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner seeks a restraint order against the respondent-police authority from disclosing or reflecting or mentioning registration of C.R. No.408 of 2005 at Sion Police Station and C.R. No.153 of 2006 at Andheri Police Station in any police clearance certificate or the antecedent verification report. As a consequence of such a restraint order, the petitioner seeks a further direction to the respondent-police

authority to issue fresh police clearance certificate in his favour without reflecting the lodging of the aforementioned criminal cases. The learned counsel for the petitioner refers to an order passed in “*Mohammed Imran v. State of Maharashtra & Ors.*”¹ to submit that mentioning of the criminal past shall violate the petitioner’s fundamental right under Article 21 of the Constitution of India. The learned counsel has also referred to an order passed by a coordinate bench of this Court in (OS) Writ Petition No.4858 of 2024 titled “*Sharad Vishnu Khatu v. Union of India & Ors.*”² wherein a coordinate bench of this Court observed as under:-

- “12. We record the above statements and direct the first Respondent (passport authorities) to act accordingly, This time, the passport authorities must not insist upon the Petitioner producing any letters from the police department. Further, suppose the passport authorities writ to the concerned police station as per the prescribed procedure. In that case, the police station is directed to immediately respond to the letter and state whether any criminal cases are pending against the Petitioner. Neither of the authorities should delay such matters because the Hon’ble Supreme Court has held that the right to travel abroad is a fundamental right under Article 21 of the Constitution of India. This is no doubt subject to the Applicant following the law and the legal provisions. However, unnecessary bureaucratic impediments must not be created to frustrate this precious right.
13. In this case, the Petitioner was forced to lose precious time because the police online portal incorrectly indicates that a case is pending against them. Now, the police have confirmed that no such case is pending. Therefore, we direct that the police authorities take immediate steps to ensure this incorrect entry on the online portal is deleted and the Petitioner is not forced to face any further problems. This direction must be complied with within a week of uploading this order.
14. We dispose of the Petition with the above directions, hoping that the Petitioner, who is stated to be 76 years old, will have his passport reissued so that he can travel to meet his son and grand-children at the earliest.”

2. Mr. S.V. Gavand, learned Additional Public Prosecutor

¹ Civil Appeal No.10571 of 2018 – Judgment dated 12th October 2018

² OOCJ Writ Petition No.4858 of 2024 – Oral Order dated 14th October 2025

submits that a report cannot be prepared and forwarded contrary to the materials on record.

3. The petitioner does not dispute that he was made an accused in C.R. No.408 of 2005 which was registered at Sion Police Station on an allegation of commission of offence under sections 392, 397 read with section 34 of Indian Penal Code. In that case, the petitioner has been discharged under section 227 of the Code of Criminal Procedure. There is also no dispute as regards an order of acquittal passed in favour of the petitioner pertaining to C.R. No.153 of 2006 which was registered with Andheri Police Station for commission of offence under section 420 read with section 34 of IPC. The submission made on behalf of the petitioner that disclosure of his criminal antecedents after he was discharged and acquitted in the aforementioned criminal cases shall violate his rights guaranteed under Article 21 of the Constitution of India, cannot be countenanced in law. There is a procedure prescribed in law for preparation of Police Clearance Certificate. To the notice dated 18th March 2024 from the United States Citizenship and Immigration Services (USCIS), the police clearance certificate vide Exhibit “F” at page 33 was prepared and forwarded to the Consultant, JRP Service. A criminal antecedent of a person cannot be wiped out on his acquittal or discharge in the criminal proceedings. In a different context, the Hon’ble Supreme Court in “*Commissioner of Police, New Delhi v. Mehar Singh*”³ observed that the criminal antecedents of a candidate, including cases ending in acquittal or discharge, are relevant considerations and the Screening Committee for selecting the candidates for appointment is required to examine the nature of the acquittal, the nature of the offence involved, and whether the

3 (2013) 7 SCC 685

allegations disclose moral turpitude, all of which fall within the domain of the competent authority while verifying antecedents. In the case at hand, the USCIS is the authority seeking such verification. Non-disclosure of the criminal history of a person wherever it is required in law shall have serious repercussions. The authority preparing a character certificate or antecedent certificate of a person shall be liable to be proceeded against if it does not mention registration of criminal cases against the applicant. There is no question of issuing any direction to any authority not to mention the name of the petitioner in any of the reports which are prepared and forwarded pursuant to a notice or under a law.

4. Writ Petition No.229 of 2026 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]