



2026:DHC:1722



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 4795/2025**Date of Decision: **20.02.2026****IN THE MATTER OF:****YOGESH RAHEJA**

.....Petitioner

Through: **Mr. Sandeep Kapur & Mr. Rahul
Agarwal, Advocates.**

versus

UNION OF INDIA & ANR.

.....Respondents

Through: **Ms Radhika Bishwajit Dubey, CGSC
with Ms Gurleen Kaur Waraich & Mr
Vivek Sharma, Advocates.****CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

The present petition is directed against two orders passed by the Respondent authorities: (i) the order dated 17.01.2025, by which the decision to impound the Petitioner's passport was taken; and (ii) the order dated 25.03.2025, by which the Petitioner's appeal against the impounding order was rejected.

1. It has been submitted that the petitioner applied for renewal of his passport in October 2024. During the verification process, the pendency of FIR No. 603/2018, registered on 13.03.2018, was noted. A show cause

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notice was issued on 02.01.2025. The petitioner replied to the same on 15.01.2025. However, the impounding order was passed on the ground that the petitioner had not disclosed the pendency of the FIR at the time of applying for renewal. The petitioner's appeal against the said order was dismissed by the Appellate Authority.

2. Learned counsel for the petitioner has drawn the Court's attention to the impugned orders and has placed reliance upon the Office Memorandum (“OM”) dated 10.10.2019 issued by the Government of India, Ministry of External Affairs (“MEA”), and specifically Clause 5(vi) thereof, to contend that mere registration of an FIR does not amount to pendency of criminal proceedings within the meaning of Section 6(2)(f) of the Passports Act, 1967 (“the Act”) or Section 10(3)(e) thereof, unless and until a court of competent jurisdiction has taken cognizance of the offence. For reference, Clause 5(vi) of the OM dated 10.10.2019 is extracted hereunder:

“(vi) In case where the secondary Police Verification is also 'Adverse', it may be examined whether the details brought out in the 'police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same.”

3. Tested on the aforesaid touchstone, if the Court considers the reasoning assigned by the respondents in their decision, the same would not withstand the scrutiny of law. It may be noted that the petitioner applied for renewal of passport in the month of October 2024 and the impugned impounding order is dated 17.01.2025. The cognizance, according to the petitioner, has been taken only in the month of February, 2025 *vide* order

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dated 07.02.2025. Order dated 07.02.2025 has been placed on record as Annexure P2. Paragraph no. 11 of the said order is extracted as under:

“11. There is sufficient material on record so as to proceed further against all the accused persons namely Naveen Raheja, Yogesh Raheja in column no.11. Md. Yousuf Khan, Manoj Kumar Goyal, Zubair Ahmed, Rajat Kalra, Sarveshwar, Deepa Tekchandani, Ajay Kumar Mohanty, Adil Altaf, Celina Hurry, Sandeep Singh Thapar, Venika Kapoor and Divya Negi. Accordingly, all the accused persons mentioned in column no. 11 as well as column 12 be summoned through IO, returnable on 01.03.2025.”

4. The right to hold a passport and to travel abroad is an integral facet of the right to personal liberty guaranteed under Article 21 of the Constitution of India. It follows that any State action impinging upon the right to hold a passport must satisfy the test of reasonableness and must be in conformity with the principles of natural justice¹. The Supreme Court has recently reiterated this position, in ***Mahesh Kumar Agarwal v. Union of India & Anr.***², in the context of Section 6(2)(f) of the Act and the disproportionality of blanket denial has observed as under:

“The legitimate purpose behind Section 6(2)(f) and Section 10(3)(e) is to ensure that a person facing criminal proceedings remains amenable to the jurisdiction of the criminal court. To add to these safeguards an indefinite denial of even a renewed passport... would be a disproportionate and unreasonable restriction on the appellant's liberty”

5. The case of ***Mahesh Kumar Agarwal*** involved a scenario where cognizance had been taken and criminal proceedings were actively pending. The Supreme Court held that even in that more advanced factual situation,

¹ Maneka Gandhi v. Union of India, (1978) 1 SCC 24

² 2025 INSC 1476



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Section 6(2)(f) of the Act is not an absolute bar. In the case at hand, cognizance had not been taken at the time of impounding.

6. In view of the aforesaid, it is evident that the decision passed by the respondents cannot be sustained. Accordingly, orders dated 17.01.2025 and 25.03.2025 stand set aside.

7. In view of the aforesaid, the writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 20, 2026

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