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

+ **W.P.(C) 11596/2023**

PRADEEP KAPOOR

.....Petitioner

Through: Mr. Pramod Kant Saxena, Adv.
versus

UNION OF INDIA

.....Respondent

Through: Mr. Bhagwan Sawrup Shukla, CGSC
with Mr. Mukesh Kumar Pandey, Mr.
Praveen Gupta, Advs. for UOI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.04.2026

1. The petition is for the following reliefs:

A) The respondent no 2 may kindly be directed to issue a No Objection Certificate to respondent no 1 for issuance of a passport to the petitioner;-

B) The respondent no 1 may kindly be directed to issue a passport to the petitioner against Tatkal application no DL1068129765023;

C) Any other relief deemed fit and proper, in the facts and circumstances of the case, may also be given.

2. The petitioner is a jeweller/maker of jewellery and operates a shop at 1703 Kutcha Jamtal, Dariba Kalan, Chandani Chowk, Delhi.

3. The petitioner seems to have applied for passport under "Tatkal Scheme" at Passport Office, New Delhi. It is the case of the petitioner that on account of pendency of some FIRs the police refused to issue No Objection Certificate ("NOC") for issuance of passport. Subsequently the passport office refused to issue passport to the petitioner on account of non-availability of NOC from police.



4. Today when the matter is taken up it appears that during the pendency of the petition, most of the FIRs have been closed.
5. Even otherwise, the Supreme Court in the case of ***Mahesh Kumar Aggarwal vs. Union***¹ has unequivocally held that mere pendency or existence of criminal cases/FIRs cannot, by itself, be an absolute bar to issuance of a passport. The authorities are required to independently consider the application in accordance with the provisions of the Passports Act, 1967, and applicable guidelines, and any adverse police report or absence of NOC cannot mechanically result in rejection if the statutory requirements are otherwise satisfied. The discretion must be exercised in a fair, reasonable and non-arbitrary manner, keeping in view the right to travel as a facet of personal liberty under Article 21 of the Constitution.
6. In view thereof, let the petitioner to apply afresh.
7. Let the respondent to consider the petitioner's application in accordance with law.
8. Needless, to state that the earlier rejection should not be the sole reason to reject the application.
9. The instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 16, 2026
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¹ 2025 INSC 1476