



2026:DHC:2610



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 15412/2022 & CM APPL. 47899/2022, CM APPL. 2267/2023**

Date of Decision: **19.03.2026****IN THE MATTER OF:**

YADUVENDRA DALAL

.....Petitioner

Through: Mr Sanjeev Kumar Dubey, Sr
Advocate, Ms Veena Salan, Mr
Sharukh Khan, Ms. Tanya
Verma, Advocates.

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Ms. Nidhi Raman CGSC With
Mr. Arnav Mittal, Mr. Akash
Mishra Advocates.
Mr. Brijender S Dhull,
Advocate for petitioner wife.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is against the order dated 04.11.2022, whereby the respondent no. 2 i.e. Sr. Superintendent (Policy) Regional Passport Office Hudcoo Trikoot-III, Bhikaji Cama Place, R.K. Puram, New Delhi-110066 has impounded the passport of the petitioner which was

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issued on 12.08.2016 and was valid up to 11.08.2026. It appears that the petitioner is the husband of Ms. Upasna Sheoran. Against the petitioner, a complaint was received with respect to the filing of FIR No. 5/2021 under Sections 34/377/506/406/498A IPC. Since the petitioner was not appearing, non-bailable warrants were issued.

2. Having considered the aforesaid facts, the Passport Authority has issued the Show Cause Notice (SCN) to the petitioner. The Petitioner, in his reply to the SCN explained that the dispute essentially had arisen on account of matrimonial discord between the petitioner and his wife. Having considered the pendency of the criminal proceedings, the Passport Authority impounded the petitioner's passport. The order passed by the Passport Authority has been stayed by this Court on 10.11.2022. The precise reason for grant of stay was that the authority concerned did not consider or notice, any of the order passed by the Criminal Court. It was pointed out by the petitioner that the petitioner is appearing before the concerned Court and had furnished his undertaking for his full cooperation. The order dated 10.11.2022 passed by this Court is extracted as under:

"1. Notice. Since the respondents are duly represented, let a counter affidavit be filed within a period of four weeks from today. The petitioner shall have three weeks thereafter to file a rejoinder affidavit. 2. Prima facie, the Court finds merit in the submission of Mr. Dubey, learned Senior Counsel appearing for the petitioner who draws the attention of the Court to the following observations as entered by the competent criminal court in its order of 29 October 2022 before which the proceedings are pending and which form the basis for the respondents invoking Section 10(3)(e) of the Passports Act, 1967: -

"8. On the other hand, the complainant has stated that the looked out notice was issued against the applicant/accused who has

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absconded and did not co-operated in the investigation of the present case. Perusal of the record shows that the complainant Upasana Sheoran sent the Mail to the Indian Embassy regarding her husband Yadvendra Dalal for his arrest and legal action on 14.06.2022. Further, the Mail was forwarded to the accused on the same day and again on 27.06.2022, by Sh. Kuldeep Singh Negi Second Secretary (Community Affairs, Education, Research and Technology) Embassy of India, Paris. On 02.08.2022, the complainant was informed by Sh. Kuldeep Singh Negi from Embassy of India, Paris that they have not been able to contact Mr. Yadvendra Dalal. It is pertinent to note that the mail was replied by Yadvendra Dalal to Embassy India Paris that he was granted bail and was joined investigation before 20.09.2022. He has also requested for forward the copy of LOC so that he can write to the respective authority. After that the applicant/accused joined investigation and challan has been filed in the present case. Accused has also filed an application for discharge and the case is fixed for hearing arguments on the discharge application. Further, even if the application for discharge stands dismissed and charge is framed, the trial of the case will take long time to conclude. Clearly, if the applicant will not join his job he will suffer irreparable loss and injury. The trial of the case will take long time and during this period, the rights of the accused persons cannot be suspended. It has been held in Satwant Singh Sawheny v. D. Ramarathnam, Assistant Passport Officer, New Delhi AIR 1967 SC 1836; the freedom to travel is a fundamental right and a constitutional protection available to the citizens of this country. This expansion of right of freedom has been reiterated with approval in various subsequent judgments. It has been held in Smt. Maneka Gandhi v. Union of India, AIR 1978 SC 597, a person cannot be deprived of his right to go abroad. Hence, the right of livelihood and to travel abroad is a fundamental right of a person must be supported by legislative authority. Hence, the application in hand stands allowed. The look out circular notice against the accused stands canceled as the accused has already been granted bail in the present case. The accused is hereby permitted to travel beyond India. The application stands disposed off. Now to come upon 03.03.2023 for presence of accused.”

3. The Court notes that while proceeding to impound the passport by exercising powers under Section 10(3)(e) of the Passport Act, 1967, the competent authority has neither noticed nor dealt with the order so passed by the criminal court. The Court is also apprised that although a chargesheet has been duly submitted before the competent criminal court, the matter is now fixed for 03

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March 2023 before the concerned court. The Court also takes into consideration the undertaking which had been furnished by the petitioner before the competent criminal court and which had been duly accepted. Prima facie, therefore, the order of impounding would not sustain. Matter requires consideration.

4. Till the next date of listing, there shall be stay of the impugned order dated 04 November 2022 passed by the Regional Passport Officer, the second respondent herein.

5. List again on 24.03.2023.”

3. During the pendency of the instant writ petition, the petitioner's wife through Mr. Brijender S Dhull, learned counsel seeks to intervene. It is his submission that the petitioner has concealed various information. The Court however, finds that the passport of the petitioner is expiring in the month of August, 2026. By virtue of the interim order, the petitioner has been allowed to travel abroad on number of occasions. The petitioner is already appearing before the concerned Court where the cases are pending. Their does not seem to be any disobedience or violation of the Court's directions.

4. For all the aforesaid reasons and looking at the overall controversy which essentially relates to matrimonial discord, the Court finds it appropriate to set aside the impugned order and to confirm the interim directions passed on 10.11.2022. The petitioner shall be at liberty to apply for renewal of his passport. The same shall be considered in accordance with law.

5. If the wife has any grievance with respect to non-cooperation, in Court proceedings, she shall be at liberty to approach the concerned Court seeking necessary directions.

6. Accordingly, the writ petition stands disposed of. All pending



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applications also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J
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