2026:AHC:208716

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49764 of 2025

Anoop Kumar Sharma

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prateek Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Prateek Srivastava, learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 528 BNSS has been filed seeking quashing of the order dated 05.05.2025 passed by the Chief Judicial Magistrate, Mathura in Case No. 835 of 2018 (Computer Case No. 2051 of 2018), State Vs. Anoop Sharma, arising out of Case Crime No. 343 of 2017, under Sections 447, 448 and 489 I.P.C., Police Station Vrindavan, District Mathura, whereby the application of the applicant seeking a 'No Objection Certificate' for renewal of his passport has been disposed of.

3. Learned counsel for the applicant submits that the applicant had applied for renewal of his passport before the concerned passport authority, but his application was kept pending on account of his implication in two criminal cases. Aggrieved by the same, the applicant preferred Civil Misc. Writ Petition No. 4157 of 2025 (Anoop Kumar Sharma Vs. Union of India and others) before this Court seeking a direction for renewal of his passport. This Court, vide order dated 07.03.2025, permitted the applicant to approach the concerned court where the criminal case was pending for grant of a 'No Objection Certificate', so that the passport authorities may take a fresh decision regarding renewal of his passport.

4. It is submitted that in compliance with the aforesaid order, the

applicant moved an application dated 01.04.2025 before the court below seeking a 'No Objection Certificate' for production before the passport authorities. However, by the impugned order dated 05.05.2025, the learned Chief Judicial Magistrate has neither considered the applicant's prayer for grant of 'No Objection Certificate' in its proper perspective nor recorded any finding on the merits of the prayer. Instead, after noticing the order dated 07.03.2025 passed by this Court, the learned court below has merely directed that a copy of the said order be forwarded to the concerned passport authority for further action in accordance with law and has disposed of the application of the applicant.

5. Learned counsel for the applicant further submits that the learned court below has failed to consider the notification dated 25.08.1993 issued by the Ministry of External Affairs, Government of India, as well as the Office Memorandum dated 10.10.2019 issued by the Ministry of External Affairs. It is also submitted that in one of the criminal cases, a final report has been submitted in favour of the applicant, whereas in the other case, the applicant has been granted protection from arrest by this Court. It is thus submitted that the application seeking No Objection Certificate was required to be considered in the light of the order dated 07.03.2025 passed by this Court and the applicable provisions governing renewal of passport.

6. Learned A.G.A. has opposed the application but could not point out any finding in the impugned order whereby the prayer of the applicant for grant of No Objection Certificate has been considered on its merits in the light of the order dated 07.03.2025 passed by this Court.

7. Having considered the submissions advanced by learned counsel for the parties and having perused the record, this Court finds that by order dated 07.03.2025 passed in Writ-C No. 4157 of 2025, this Court had specifically permitted the applicant to approach the concerned court for grant of a 'No Objection Certificate' and directed that the concerned court shall act in terms of the law laid down by this Court in Pawan Kumar Rajbhar Vs. Union of India and others. It

was thereafter left to the passport authorities to take a fresh decision on the renewal of the applicant's passport on the basis of the decision of the concerned court.

8. However, the learned Chief Judicial Magistrate, while passing the impugned order dated 05.05.2025, has not adjudicated upon the prayer made by the applicant for grant of 'No Objection Certificate'. The order passed by the learned court below is ambiguous, inasmuch as it neither grants the 'No Objection Certificate' sought by the applicant nor rejects the same by assigning any reason. The learned court below has merely directed that a copy of the order dated 07.03.2025 passed by this Court be forwarded to the concerned passport authority for further action in accordance with law. Thus, the impugned order does not disclose any effective decision upon the application of the applicant in the light of the specific directions contained in the order dated 07.03.2025 passed by this Court.

9. In view of the aforesaid, the impugned order dated 05.05.2025 passed by the Chief Judicial Magistrate, Mathura in Case No. 835 of 2018 (Computer Case No. 2051 of 2018), State Vs. Anoop Sharma, is hereby **set aside.**

10. The matter is remitted to the court concerned to consider and decide afresh the application dated 01.04.2025 filed by the applicant seeking No Objection Certificate for renewal of his passport, strictly in accordance with law and in the light of the order dated 07.03.2025 passed by this Court in Writ-C No. 4157 of 2025 (Anoop Kumar Sharma Vs. Union of India and others), as well as the judgment referred to therein, after taking into consideration the relevant material placed before it.

11. The aforesaid exercise shall be completed by the court concerned expeditiously, preferably within a period of two months from the date of production of a certified copy of this order.

12. It is clarified that this Court has not expressed any opinion on the merits of the applicant's claim for grant of 'No Objection Certificate', and the court concerned shall take an independent decision in

accordance with law.

13. With the aforesaid observations and directions, the present application stands **allowed.**

(Madan Pal Singh,J.)

October 6, 2026
pks

Digitally signed by :-
PANKAJ KUMAR SRIVASTAVA
High Court of Judicature at Allahabad