IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 12682 of 2026

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PALAK BHARATKUMAR PATEL
Versus
THE UNION OF INDIA & ANR.

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Appearance:
MR ABHIJEET J SINGH(12073) for the Petitioner(s) No. 1
MR LALIT V PATEL(5251) for the Petitioner(s) No. 1
MR PRUTHVISH L PATEL(13678) for the Petitioner(s) No. 1
MR PRADIP D BHATE(1523) for the Respondent(s) No. 1,2

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CORAM:**HONOURABLE MS. JUSTICE NISHA M. THAKORE**
Date : 16/10/2026
ORAL ORDER

1. Heard learned advocate for the petitioner and learned Central Government Standing Counsel Mr. Pradip Bhate appearing for the respondent - Regional Passport Officer.

2. Issue notice upon the respondent, making it returnable forthwith. Learned Central Government Standing Counsel Mr. Pradip Bhate waives service of notice on behalf of the respondent. With the consent of both the parties, present writ petition is taken up for final disposal at the admission stage itself.

3. By way of this petition, the petitioner has prayed for a directions to the respondent authority to re-issue the passport of the petitioner bearing Passport No.**AF150257** (File No.**AH2070963609225)** for a period of **ten years** in the interest of justice.

4. Learned advocate for the petitioner states that FIR bearing C.R. No. 1191052240342 of 2025 was registered with

B Traffic Police Station, Ahmedabad against the petitioner for the offences punishable under Sections 279, 337, 338 and 427 of the Indian Penal Code and Sections 177 and 184 of the Motor Vehicles Act. He submits that the petitioner is enlarged on bail by the concerned Police Station. Upon completion of the investigation, the Investigating Officer has filed charge-sheet before the concerned Court which came to be culminated into Criminal Case No.31059 of 2025 and the same is pending before the learned Chief Judicial Magistrate, Ahmedabad. He submits that since the passport of the petitioner was to expire on 07.08.2026, the petitioner moved application before the respondent authority on 10.08.2026. He further states that usually upon an application for renewal, when a criminal case is pending, in view of the Notification issued by Ministry of External Affairs dated 10th October, 2019, the Regional Passport Authority would renew the passport only for a period of one year whereas the petitioner wants renewal of passport for a period of **ten years.** Hence, she has approached this Court by this petition for appropriate directions.

5. Learned Central Government Standing Counsel Mr. Pradip Bhate from the same notifications states that in view of the fact that the criminal proceedings against the present petitioner are pending. In view of specific instructions in paragraph 5(vi), the petitioner's case can be considered for renewal for a period of **ten years.** However, if this Court deems it appropriate to issue such directions, if the petitioner intends to travel abroad, it would be incumbent on her to apply for prior permission to seek relaxation of any suitable

condition before the trial Court or before this Court, as may be required. He has therefore, urged to clarify in this regard.

6. I have carefully considered the arguments of learned advocates for the respective parties and have perused the record. It would be appropriate to take note of the notification dated 10th October, 2019 issued by the Ministry of External Affairs for the purpose of renewal of passport. Sub-clause (vi) of Clause (v) of the notification reads as under :-

> "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."

7. At the outset, it is required to be noted that time and again, the Courts have taken view that mere pendency of criminal case is not a bar for processing the application for issuance / renewal of passport. The Hon'ble Division Bench of the Bombay High Court in the case of **Abbas Hatimbhai Kagalwala vs.State of Maharashtra and another** reported in **2022 SCC Online (Bom) 1992**, noticing the fact that

passport was already issued, has relied upon the Hon'ble Supreme Court order dated 22.09.2021 passed in Criminal Appeal No.1342 of 2017clarifynig that the Court permission is not required for passport renewal when a criminal case is pending, but permission is required for traveling abroad.

8. Even learned advocate Mr. Bhate could not point out anything that though the criminal proceedings are pending, in view of that the cognizance taken by the concerned Court and the aforesaid Notification, there shall be any impediment in the way of the petitioner for seeking renewal of passport for a period of **ten years.**

8. In view of the aforesaid reasons and observations, the respondent authorities are directed to renew/ re-issue the passport of the petitioner for a period of 10 years. However, it is clarified that if the petitioner has to undertake any travel abroad, she will have to make appropriate application to the Trial Court seeking permission to travel abroad, which shall impose such conditions as it deems fit and proper in case of the petitioner. If any application for renewal of the passport is made by the petitioner, the same be decided expeditiously within a period of 4 weeks from the date of such application.

With the aforesaid directions, the present Special Civil Application is allowed and accordingly stands disposed of. No order as to costs.

(NISHA M. THAKORE,J)

RATHOD KAUSHIKSINH

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAUSHIKSINH JILUSINH RATHOD(HC00957), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 16/10/2026 18:48:24