

Order

(Below Exh. 38)

1. This application is for permission to obtain a new passport and travel to Canada to attend their son's graduation ceremony.
2. According to the applicants, they are non-applicants no. 6 & 7 in present petition filed seeking various reliefs under the PWDV Act by brother's sister-in-law namely Smt. Mita Kartik Avhad. According to them, their son namely Pranit Rajendra Avhad has gone to Canada to pursue higher education in MS at Concordia University, Canada. His graduation ceremony is on June 26. For that, they have duly applied to the Passport Department for a passport. In it, the Passport Officer has asked to bring a court order as the above-mentioned case is pending in the court. Hence, the present application.
3. Heard, Ld. Counsel appearing for the applicants and say filed on behalf of the Petitioner. Learned Counsel for the applicants submits that for getting the Passport, permission from the Court where a criminal case is pending against the accused is necessary. However, a Domestic Violence (DV) case is generally considered a civil proceeding with criminal elements, and its mere pendency does not automatically trigger a mandatory bar on issuing or renewing a passport under Section 6(2)(f) of the Passports Act. It is well settled that DV proceedings are not strictly equivalent to a "criminal case" for passport refusal, provided a magistrate hasn't initiated criminal proceedings.
4. It is pertinent to note that it is the fundamental rights of the citizen of the India to move freely and possess passport as guaranteed under Article 21 of the Constitution of India. There is no need to get permissions to obtain the passport and go abroad in the proceedings like DV Act as reliefs like protection or maintenance, not a traditional criminal trial. Therefore, and considering that the matter involves the fundamental right of the applicant, the following order:

ORDER

1.	The Passport Authority is to issue the passport as per rules.
2.	Needles to mention that this Court has No Objection for getting Passport by the applicants for a year or as per rules applicable and to go abroad as sought for the specific purpose subject to conditions that the proceedings of the present case shall not be delayed on their cause and file undertaking for the purpose.

Date : 02.03.2026.

Sd/--
(H.B. Pardeshi)
**Judicial Magistrate F. C.,
Manmad City, Nashik.**

Certificate

I affirm that contents of this PDF file of this order/judgment are same and word for word as per original order/judgment.

Name of Clerk/Typist : Shri. S.A. Pathan, (Jr. Clerk)

Name of the Court: Ext. Jt. Civil & Criminal Court, Manmad

Upload on date : 05.03.2026.