



2026:AHC:55142-DB

## HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 7785 of 2026

Shoab Akhatar

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

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|---------------------------|---|------------------------------|
| Counsel for Petitioner(s) | : | Manvendra Singh              |
| Counsel for Respondent(s) | : | A.S.G.I., Ajay Singh, C.S.C. |

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Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.**  
**HON'BLE SIDDHARTH NANDAN, J.**

1. Heard Sri Manvendra Singh, learned counsel for the petitioner and Sri Ajay Singh, learned counsel for the respondents.

2. Petitioner's application for issuance of passport apparently has been kept pending on account of his implication in criminal cases. Reliance is placed upon the Division Bench judgment of this Court in **Writ - C No. 41540 of 2023 (Pawan Kumar Rajbhar Vs. Union of India & 2 Ors.)**, in order to contend that mere pendency of Case Crime No. 350 of 2024, under Sections 498A, 506 IPC and 3/4 DP Act, P.S. Tilhar, District Shahjahanpur, cannot be a ground to deny issuance of passport to the petitioner, provided appropriate permission is taken by the petitioner from the Court, where the case is pending.

3. A learned co-ordinate Bench in **Rahimuddin Vs. Union Of India And Another, Neutral Citation No. - 2025:AHC:181505-DB** has unequivocally held that where a criminal case has been stayed by a superior Court, the permission for issuance of passport, shall be sought from the superior Court, which stayed the criminal proceedings.

4. In the facts of the case, we permit the petitioner to approach the concerned court where the aforesaid case is pending for grant of no objection certificate or approach such superior Court, which has stayed the proceeding before the trial court or has passed the order granting any interim protection to the petitioner, so that the passport authorities take a fresh decision in the matter relating to issuance of the petitioner's

passport. Petitioner, therefore, is at liberty to approach the concerned court which shall act in terms of the law laid down in **Pawan Kumar Rajbhar** and **Rahimuddin (supra)** and based upon its decision, the passport authorities would do the needful by passing appropriate orders within a further period of two months, thereafter.

5. Accordingly, the present writ petition is **disposed of**.

**(Siddharth Nandan,J.) (Atul Sreedharan,J.)**

**March 18, 2026**

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