



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 10778 of 2025

Laxmi Kant Bajpai

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Shashank Tilhari, Anurudh Kumar
Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

Learned counsel for the applicant prays for and is permitted to correct typographical errors in the memo of application during the course of the day.

Learned A.G.A. for the State is directed to obtain instructions by the next week.

Put up in the list of fresh cases on 28.1.2026.

(Pankaj Bhatia,J.)

January 13, 2026
J. K. Dinkar



2026:AHC-LKO:6818

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 10778 of 2025

Laxmi Kant Bajpai

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Shashank Tilhari, Anurudh Kumar
Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. Heard Sri Shashank Tilhari, the counsel for the applicant and the learned AGA.
2. The matter is being decided with the assistance of Sri S. B. Pandey, Deputy Solicitor General of India assisted by Sri Varun Pandey.
3. The present application has been filed, challenging the order dated 27.08.2025 whereby the application filed by the applicant seeking NOC for travel abroad and for issuance of a passport accordingly has been rejected.
4. The facts, in brief, are that the applicant, is accused of an offence of Case Crime No.676 of 2019 under sections 420, 406, 323, 504 and 506 IPC. The applicant, proceeded this court by filing an Application No.482 Cr.P.C. No.5604 of 2024 for quashing of the proceedings in which this court has passed an interim order staying the criminal proceedings of Sessions Trial No.375 of 2020 mainly on the ground that the despite arise in the complaint is essentially of a civil in nature.
5. In view of the pendency of the said criminal trial, the applicant who was desirous of visiting abroad moved an application for issuance of a fresh passport in which, the police did not issue an NOC mainly on the ground that a case was pending against the applicant, as such, the

applicant moved an application seeking permission to travel abroad and for that purpose, issuance of NOC for grant of fresh passport, however, the same has been rejected essentially on the ground that although there is a stay order, there is a flight risk, which will be detrimental to the criminal proceedings.

6. Reliance is also placed upon the order dated 22.11.2024 passed in Application No.482 Cr.P.C. No.9960 of 2024. A perusal of the order dated 22.11.2024, contained in Annexure no.11, refers to an order whereby this court had refused to quash the proceedings on the application filed by the co-accused.

7. My attention is also drawn towards the Circulars issued by the Ministry of External Affairs being GSR 570 (E) dated 25.08.1993, read along with office memorandum dated 10.10.2019 as well as the office memorandum dated 06.12.2024. The said notifications are essentially clarificatory clarifying the purport of section 6(2)(f) of the Passport Act, 1967 which restricts and empower the Central Government to deny the passport in specified situation. The clarificatory circular, particularly, the office memorandum 06.12.2024 clarify the issue in the following paragraphs :

"8. It may be noted that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead it is permission to depart from India. In case the applicant is unable to provide the prescribed documents, PIA may issue a refusal order under Section 6 of the Passports Act, 1967 prescribing provisions for appeal."

8. The scope of office memorandum was also considered by a Division Bench of this court in the case of **Mohd. Talha vs. Union of India; Writ C No.1775 of 2025 decided on 01.05.2025** wherein the following was observed :

"(24) In the given circumstances, although Section 6 (2) (f) of the Passport Act, 1967 clearly provides that if the proceedings in respect of an alleged offence committed by the petitioner are pending before the criminal Court in India, then, it shall constitute a ground for refusal of issuance of Passport, however, by virtue of the beneficial statutory notification of GSR 570 (E) (dated 25th August, 1993) read along with the Office Memorandum dated 10.10.2019, the petitioner on submission of "No Objection

Certificate" from the Court where the proceedings are pending, shall be exempted from the operation of Section 6 (2) (f) of the Passport Act, 1967 and he/she would be entitled to go abroad and for this NOC issuance/renewal of the passport is implicit.

(25) A plain reading of the provisions of Passport Act, 1967 and the beneficial Notification issued in terms of Section 22 of the Act, 1967 leads to the sole logical conclusion that in all cases wherein criminal proceedings are pending and have been denied the issuance of passport by the operation of Section 6 (2) (f) of the Passport Act, 1967, the under-trial, as a condition precedent has to first seek permission or NOC from the Court concerned, wherein the trial is pending, to travel abroad or depart, for which essentially a passport is required and then only as a condition subsequent apply to the passport authority for issuance of the passport for a particular period as mentioned in the permission order itself or for the period as mentioned in GSR 570(E) dated 25th of August, 1993.

(26) However, misinterpreting Section 6 (2) (f) of Act, 1967 and Office Memorandum No. VI/40/1/5/2019 dated 10.10.2019, several under-trials have been obtaining "No Objection Certificates" (NOCs) from the Court for the re-issuance of passports, instead of securing order permitting applicant to depart from India. Accordingly, the Ministry of External Affairs, with the intent to clarify the issue, published an Office Memorandum (OM) dated 06.12.2024 through its PSP Division, stating that there is no legal provision requiring an applicant to obtain permission or "No Objection Certificate" (NOC) from the concerned Court for the issuance or re-issuance of a passport. Instead, the applicant is required to obtain permission from the concerned Court specifically to depart from India or travel abroad. Relevant portions from the Office Memorandum (OM) dated 06.12.2024 is extracted hereunder :-

"8. It may be noted that there is no such provision for seeking permission/NOC from the court concerned for issuance of passport; instead it is permission to depart from India. In case the applicant is unable to provide the prescribed documents, PIA may issue a refusal order under Section 6 of the Passport Act, 1967 prescribing provisions for appeal."

9. In the light of the clarification issued, it was incumbent upon the court to have processed the application of the applicant for going abroad based upon the materials pending before the trial court including the criminal trial, to form a view whether the grant of permission to travel abroad, as pleaded by the applicant, would be granted keeping in view the severity of the offence.

10. A perusal of the FIR in question essentially reveals that the applicant has been summoned simultaneously under section 406 and 420 IPC, which is otherwise also not permissible in view of the law clarified in the case of **Delhi Race Club (1940) Ltd. vs. State of U.P.; 2024 (10) SCC 690.**

11. As the further proceedings have been stayed by this court vide order dated 27.06.2024 passed in Application No.482 Cr.P.C. No.5604 of 2024, it was incumbent upon the trial court to have granted the NOC for travel abroad, unless it recorded material to suggest that the criminal proceedings of the applicant or his past history, would point out and suggest that the applicant would be at a flight risk. No such material existed before the trial court to form such an opinion, as such, the order dated 27.08.2025 cannot be sustained and is quashed. As no material exists before this court also, directions are issued for permitting the applicant to travel abroad and the passport authority are directed to process the application of the applicant for issuance of the fresh passport for regular term of ten years unless there is any other hindrance.

12. It is further clarified that the same shall not be refused to be renewed solely on the ground of pendency of Case No.375 of 2020 arising out of Case Crime No.676 of 2019.

13. The said order is being passed in view of the observations of the Division Bench which is to the effect that the issuance of NOC/permission to travel abroad is to be considered only by the court where the proceedings are pending. In the present case, as the proceedings are pending before this court vide Application No.482 Cr.P.C. No.5604 of 2024, the order aforesaid has been passed.

14. With the said observations, the application stands **disposed off**.

(Pankaj Bhatia,J.)

January 30, 2026

VNP/-