

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.26769 OF 2023 (GM-RES)



BETWEEN:

RAKTIMA KHANUM

... PETITIONER

(BY SRI. DORE RAJ B. H., ADVOCATE)

AND:

- 1 . UNION OF INDIA
MINISTRY OF HOME AFFAIRS
FOREIGNERS DIVISION
MAJOR DHYAN CHAND NATIONAL STADIUM
NEAR PRAGATI MAIDAN
NEW DELHI – 110 001.
REPRESENTED BY
JOINT SECRETARY (FOREIGNERS)
PH: 01123077513
EMAIL: jsh@nic.in
- 2 . FOREIGNERS REGIONAL REGISTRATION OFFICE
IMMIGRATION BUREAU

5TH FLOOR, 'A' BLOCK
TTMC BUS STAND BUILDING
K.H.ROAD, SHANTINAGAR
BENGALURU – 560 027.

- 3 . STATE OF KARNATAKA
REPRESENTED BY
SUBRAMANYA POLICE
RAJAJINAGAR
BENGALURU – 560 010.
- 4 . JANARDHANA REDDY

... RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H., DSGI FOR R1 AND R2;
SMT. NAVYA SHEKHAR, AGA FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE EXIT PERMIT
WEBSITE COMMUNICATION PASSED BY R2 PRODUCED HEREIN AS
ANNEXURE-A VIDE APPLICANT ID - 200263 PF91RM.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 21.12.2023, COMING ON FOR PRONOUNCEMENT
THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner is before this Court calling in question issuance of an exit permit to the petitioner which would result in deportation of the petitioner to Bangladesh.

2. Facts adumbrated are as follows:-

The petitioner is a Bangladeshi national, born and brought up there. Through social media it transpires, the 4th respondent comes in contact with the petitioner, after which, it is the averment that the petitioner came twice to meet respondent No.4 on her own expenses in July and August 2017 from Bangladesh, once at Kolkata and again at Chennai. The two then, fall in love. The petitioner marries the 4th respondent on 25-12-2017. It is claimed by the petitioner, that the 4th respondent converted himself to Islam, on falling in love and subsequent marriage. After the marriage, it is the averment in the petition that the couple lived in Chennai. The relationship between the two flounders. On the said floundering of the relationship, the petitioner had to go back to Bangladesh, as the tourist visa under which she was staying in

India expired. Several other averments are made in the petition, which are not germane for consideration of the *lis*. It would suffice, if the narration is fast forwarded to 01-03-2019 when the petitioner applies for a visa conversion before the 2nd respondent/Foreigners Regional Registration Office ('FRRO' for short). The tourist visa was then converted into entry visa (X-2), which is a dependent visa. This was to be valid from 1-03-2019 to 29-02-2020. On the expiry of the said visa, in the month of February 2020, the petitioner applies for extension of visa and the FRRO extends the visa from 22-02-2022 to 21-08-2022 for a period of six months, with an observation that the petitioner is married to an Indian and permission is granted, only on that score.

3. The said visa expired on 20-08-2022. A letter for extension was submitted to the FRRO and the FRRO extended the visa from 22-08-2022 to 21-06-2023. After the expiry of the period of visa i.e., on 21-06-2023, extension was sought by the petitioner. It is here the FRRO begins to demand certain documents for the petitioner's stay in India. One such document that was demanded was an undertaking/consent from sponsors/parents/spouse in

support of her stay in India, as she was on X-2 visa, a dependent visa. The request of the petitioner was not considered initially on the score that the documents did not bear the consent of the husband. After non-consideration of extension of visa, an exit permit is issued against the petitioner, to leave India or she would be deported as there was no valid visa for her to stay in the country. It is this development that has driven the petitioner, to this Court in the subject petition.

4. Heard Sri Dore Raj.B.H., learned counsel appearing for the petitioner, Sri H. Shanthi Bhushan, learned Deputy Solicitor General of India appearing for respondents 1 and 2 and Smt. Navya Shekhar, learned Additional Government Advocate appearing for respondent No.3.

5. The learned counsel appearing for the petitioner Sri Dore Raj B.H would vehemently contend that the 4th respondent married the petitioner after converting himself to Islam, but is now absconding. It is impossible for the petitioner to secure the presence of her husband and has sought maintenance at the hands

of the husband invoking Section 125 of the Cr.P.C., before the concerned Court. In effect, it is his contention that the husband has neglected the wife/petitioner and, therefore, visa should be extended without the consent of the husband.

6. Per-contra, the learned Deputy Solicitor General of India Sri H. Shanthi Bhushan would vehemently refute the submissions to contend that on two occasions earlier, by illegal methods, visa of the petitioner is extended. The petitioner cannot stay in India, as the visa manual, clearly indicates that if there is suspicion or any allegation, extension of visa will not be granted, particularly of entry X-2 visa. He would further contend that for conversion of any category of visa to X-2 visa, submission of documentary proof to establish that the spouse of a foreigner, is an Indian citizen is imperative. Therefore, the petitioner cannot contend that she has a right to stay in India, despite there being adverse information against her. To buttress his contention *qua* adverse information against the petitioner, he has placed before Court certain confidential records in a sealed cover. It is the submission of the learned DSGI that the Court should peruse the original records,

which would be clearly indicative of the fact that the petitioner is involved in counter terrorism as her antecedents are suspicious and her links with the group named Special Services Group – SSG are strong, which has links in the neighbouring nation.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record including, the sealed cover material.

8. The issue that is projected in the case at hand is with regard to the petitioner being shown the doors of exit from the soil of the nation. Therefore, before embarking upon the case of the petitioner on its merit, I deem it appropriate to notice VISA manual obtaining as on to-day and functioning of FRRO.

The FRRO:

9. The matters relating to entry, stay, transit and exit of foreign nationals is governed by the provisions of the Passport (Entry into India) Act, 1920, Registration of Foreigners Act, 1939, Foreigners Act, 1946, the Immigration (Carrier Liability) Act, 2000

and the Citizenship Act, 1955 and the Rules in furtherance of the aforesaid enactments. The immigration control is the primary responsibility of Bureau of Immigration. The Bureau of Immigration carries out all immigration responsibilities through FRRO all over the country. The foreign nationals shall approach FRRO for issue of various kinds of Visas from student to e-visa. FRRO is empowered to issue about 12 kinds of Visas. Once the Visa is issued the functions of FRRO qua foreign nationals residing in any State are manifold. One such function is extension of Visa. Procedure for registration is by way of an application being made on-line. It is said to be passing through several rungs of offences. Several persons are ineligible for admission into India. They are depicted on the website of FRRO itself. The broad functioning of FRRO is as afore said. Grant of Visa is in terms of Visa Manual revised to this date.

Visa Manual:

10. Certain clauses of Visa Manual are germane to be noticed. Clause 1.34 deals with conversion of any category of Visa into X-1

Visa in the case of foreign nationals married to an Indian citizen – person of origin – OCI cardholder. It runs as follows:

"1.34 Conversion of any category of visa into X-1 visa in the case of foreign nationals married to an Indian citizen/ Person of Indian Origin/ OCI cardholder

FRRO concerned may convert any category of visa into X-1 visa in the case of foreign nationals married to an Indian citizen/ Person of Indian Origin/ OCI cardholder at any point of time subject to the following conditions:-

- (i) *Submission of a copy of the registered Marriage Certificate. In the case of marriages solemnized abroad, the marriage certificate should be certified/apsotilled by the Indian Mission/ Post concerned.*

[Note: Conversion of the visa to X-1 visa will not be granted on the basis of marriage certificates issued by temples, mosques, churches and other organizations].

- (ii) **Submission of documentary proof to establish that the spouse of the foreigner is an Indian citizen/ Person of Indian Origin/ OCI cardholder.**

- (iii) **A report about their marital status which will, inter-alia, include his/her antecedents, confirmation about their living together and security clearance.**

Special check needs to be done on Indian males getting married to the nationals of CIS countries & Yemen (marriage of convenience) to prevent trafficking. Report on such cases are to be sent by the FRRO/ FRO concerned to the Bureau of Immigration promptly (Ministry of Home Affairs may include

other nationals also in the list requiring special checks based on inputs of security agency)."
(Emphasis supplied)

Tourist Visa is dealt with under Chapter 10. Clause 10.3(a) runs as follows:

"(a) Tourist visa of a foreign national married to an Indian citizen/ Person of Indian Origin/ OCI cardholder may be converted to 'X-1' visa by the FRRO concerned at any point of time subject to the following conditions:-

(i) *Submission of a copy of the registered Marriage Certificate. In the case of marriages solemnized abroad, the marriage certificate should be certified/ apostilled by the Indian Mission/ Post concerned.*

[Note: *Conversion of the visa to X-1 visa will not be granted on the basis of marriage certificates issued by temples, mosques, churches and other organizations].*

(ii) *Submission of documentary proof to establish that the spouse of the foreigner is an Indian citizen/ Person of Indian Origin/ OCI cardholder.*

(iii) *A report about their marital status which will, inter-alia, include his/her antecedents, confirmation about their living together and security clearance."*

(Emphasis supplied)

A Visa of a foreign national married to an Indian citizen – person of Indian Origin or OCI cardholder would be converted to X-1 Visa by the FRRO subject to the conditions *supra*. There are three

necessary conditions for such conversion, one of which is a report about marital status including his or her antecedents and confirmation about their living together and security clearance. Chapter-14 deals with entry ('X') Visa. Clauses 14.1 and 14.2 run as follows:

*"14.1 An Entry ('X') Visa of appropriate sub-category as mentioned in **Appendix -II**, may be granted to a foreigner as explained below.*

14.2 X-1 Visa:

(1) A Person of Indian Origin, who does not possess an OCI card, spouse/ children of an Indian citizen/ Person of Indian Origin/ OCI cardholder (other than those who are registered as OCI cardholder), may be granted 'X-1' Visa for a period of five years at a time, with multiple entry facility, subject to usual checks. This facility shall be extended to a Person of Indian Origin and children of an Indian citizen/ Person of Indian Origin/ OCI cardholder (other than those who are registered as OCI cardholder), if he/she is, or had been, a national of Afghanistan, Bangladesh, China, Pakistan, or Sri Lanka but have now acquired another nationality, only with prior approval of the Ministry of Home Affairs.

'X-1' visa may be extended in India by the FRRO concerned as per guidelines given in sub-para (2) below.

Note:

(1) A Person of Indian Origin means:

(a) a person who at any time held an Indian passport, or

- (b) *a person who or either of his/her parents or grand parents or great grand parents, was born in, and was permanently resident in India, provided neither was at any time a citizen of Afghanistan, Bangladesh, China, Pakistan or Sri Lanka or any other country that may be specified by the Government of India from time to time.*

(ii) The Missions/Posts may grant 'X-1'visain such cases to a foreigner:

- (a) Who has close relations and ties in India*
- (b) Who has been maintaining contacts with India*
- (c) Who has the intention of making India a permanent home on return (if applying on this ground)*
- (d) Who has not served in any defence or security agency of any foreign Government*
- (e) Who holds a valid passport*
- (f) Who is not a persona-non-grata to the Government of India*
- (g) Who is not considered an undesirable person and is not the subject of a black list or any warning circular or other restrictive list*

(iii) In respect of a foreigner of Indian origin, the Missions/ Posts may grant a visa even if it goes beyond the validity of the foreigner's passport and while doing so make the following endorsement on the passport -

"Provided the passport remains valid".

If the passport on which the five years visa is endorsed lapses, the benefit of the five years will be available if the old passport is carried along with the new

Missport, or, if a suitable endorsement to this effect is made by an Indian Mission/FRRO concerned, endorsement may be, on the new passport and Residential Permit.

- (iv) *A visa will generally be granted to eligible foreigners of Indian origin, on request, subject to usual checks. In order to ensure that only genuine foreigners of Indian origin are granted a visa to come to India and fundamentalist and subversive elements/drug traffickers, smugglers and other undesirable elements do not take advantage of the liberalised visa-regime, all Missions/ Posts are required to exercise utmost caution while granting such visa to a foreigner. It may be noted that the Missions/ Posts may deny this facility to any foreigner if the Mission/ Post has sufficient reason to believe that the foreigner will misuse the same.*
- (V) *As a general principle, the instructions governing the issue of a visa to a foreigner are equally applicable to a foreigner of Indian origin. The Missions may grant appropriate visa to such a person under the relevant provisions of the Visa Manual if such a person applies for a visa other than 'X-1' visa*
- (vi) *Minor child/ children from previous marriages of a foreigner who is presently married to an Indian citizen/ Person of Indian Origin/ OCI cardholder may be granted 'X-Misc' visa for a period of one year. This visa may be extended by FRRO concerned on yearly basis.*
- (vii) *The multiple entry visa fee prescribed for a citizen of the country concerned will be levied for a 5 year long term visa where a foreigner of Indian origin, belonging to that country, intends to stay in India for a period not exceeding 6 months. Where the foreigner intends to stay in India for a period exceeding 6 months, the long-term visa fee prescribed for a citizen of the country of which the foreigner is a citizen will be levied. In case no long-*

term visa fee has been prescribed, the multi-entry visa fee will be charged."

(Emphasis supplied)

Entry ('X') Visa is granted to a foreigner. X-1 Visa deals with Visa which can be granted to persons of other countries. X-1 Visa would be extended by the FRRO as per guidelines. The relevant guidelines germane are as follows:

*"(2) A foreigner of Indian origin, spouse and children of an Indian citizen/ Person of Indian Origin/ OCI cardholder (other than those who are registered as OCI cardholder) staying in India on a long duration visa, who are eligible for a 5 year multi-entry **X-1** visa, may, on an application, be granted '**X-1**' visa and extension of stay for a period up to five years at a time, without any limit, by the FRRO concerned provided that such persons have not come to any adverse notice and are not citizens of Pakistan. Grant of 5 year extension of **X-1** visa in such cases will be subject to the following conditions:*

(a) The validity of the Residential Permit shall be for the period of stay specified in the Visa i.e. if the visa is for a period of 5 years without a stay stipulation, Residential Permit shall be issued for the entire period of 5 years. The Residential Permit may be issued with the following stipulation:-

"If at any time a foreigner, who is required to register, proposes to be absent from his/her registered address for a continuous period of eight weeks or more, or is changing the registered address, or is finally departing from India, he/ she shall, before leaving, inform in person or through an authorized representative, or by

registered post to the jurisdictional Registration Officer of his/her intention to leave, either temporarily or permanently. In case he/ she is moving to another address in India, the new address should also be intimated to the Registration Officer."

- (b) Extension will be granted subject to nothing adverse being reported and no local objection.**
 - (c) Name of the foreigner shall not figure in any Ration card and/or Electoral Rolls.
 - (d) If such a foreigner is or had been a citizen of Pakistan, extension of stay shall be granted only with prior approval of the Ministry of Home Affairs.
- (3) There are foreigners who had entered India on Tourist Visa and have been staying in India for many years due to marriage to Indian nationals. FRROs/ FROs are delegated powers to regularize their stay, convert their visas to Entry (X-1) visa and grant further extension of visa/on case to case basis, as per guidelines given in sub-para (2) above, subject to verification of marital status fully supported by marriage certificate issued by authorities authorized by the State Government/ UT Administration for registration of marriages, security vetting, profile of activities etc."**

(Emphasis supplied)

Extension of Visa would be granted subject to nothing adverse being reported and no objection from local authorities. The objection by local authorities would mean any objection from the Police. Clause (3) depicts that on a case to case basis in terms of

what is afore-quoted in clause (2) and when documentation is fully supported by marital status and a marriage certificate issued by the authorities it is then the Visa can be extended.

11. The afore-quoted are the clauses of Visa Manual which form the fulcrum of the consideration in the lis. On the bedrock of the afore-quoted clauses, the case of the petitioner is required to be considered. The petitioner being a citizen of Bangladesh is not in dispute. Petitioner and the 4th respondent meet on social media and sparks of love trigger between them is a matter of record. On falling in love, it transpires that the petitioner comes to India and gets married on 25-12-2017. A Nikahnama is appended to the petition. The 4th respondent gets converted to Islam. The marriage is registered on 2.01.2018 barely seven days after drawing up of Nikhanama. The marriage takes place in Delhi. The registration of the said marriage does not happen in Delhi but happens in Uttar Pradesh. It was undoubtedly beyond the jurisdiction of the marriage registration officer to have immediately registered the marriage and issued the certificate as it was barely seven days after the marriage. When law requires a month's notice to be given,

registration of a marriage is sought for within that period and marriage registration takes place though the marriage has not taken place within the jurisdiction of the marriage registration office. This is given a go by and the marriage between the petitioner and the 4th respondent is registered.

12. The petitioner was till then staying in India on a tourist Visa. After marriage the petitioner applies for conversion of tourist Visa to X-1 Visa. The document of conversion so granted is as follows:

*"e-FRRO
 Foreigners Regional Registration office
 5th Floor, A Block, TTMC, BMTC Bus Stand Building
 K.H.Road, Shantinagar, Bangalore-560 027*

SERVICE GRANTED: VISA CONVERSION

- | | |
|--------------------------|--------------------------------------------|
| 1. Service Number | KA02/VCN/BGD/121/2019 |
| 2. RCF No./UGF No. | KA02/RCF/BGD/1519/2019
Dated 01-03-2019 |
| 3. Applicant Name | RAKTIMA KHANUM |
| 4. Spouse Name | JANARDHANA REDDY |
| 5. Date & Place of Birth | 20-07-1974 (dd/mm/yyyy)
SIRAJGANJ |
| 6. Gender | Female |

7. Present Nationality **BANGLADESH**
8. Number and Expiry of BN0494671 25-02-2022
(dd/mm/yyyy)
9. Number & Expiry of visa. VK6835261 09-10-2018
(dd/mm/yyyy)
- 10 Visa Type and Valid for **TOURIST VISA**
- 11 Service Rendered on 01-03-2019 (dd/mm/yyyy)
- 12 Observation **MARRIED TO INDIAN NATIONAL VISA CONVERSION FEE COLLECTED**
- 13 Conversion Type **Type Conversion**
Conversion Date **01-03-2019**
New Visa Number **(dd/mm/yyyy)**
New Visa Valid for **VKA0200016119**
New Visa Type **MULTIPLE ENTRY**
Valid from **ENTRY VISA (X-2)**
01-03-2019
(dd/mm/yyyy)
To29-02-2020
(dd/mm/yyyy)
- 14 Reason for Fees 15 Fees (INR): 5400
- 15 Name, Relation and their nationality of accompanying members: -

Date: 01-03-2019

Issued by
(FRRO, Bangalore)"

(Emphasis added)

This is dated 01-03-2019. The new Visa that is granted to the petitioner is Entry Visa (X-2). The reason for conversion is she is married to Indian National i.e., the 4th respondent. The visa was valid from 01-03-2019 to 29-02-2020 for a period of one year, which was multiple entry. After one year, it appears the petitioner applies for extension and it is extended up to 28-02-2021 on the same score and same kind of visa. Again it is extended to 21-08-2022. It becomes necessary to notice this extension, relevant portion of which reads as follows:-

"....

10. Service Granted on : 31-01-2023 (dd/mm/yyyy)
11. Observation : **MARRIED TO INDIAN, EMPLOYMENT/BUSINESS ONLY WITH PERMISSION OF FRRO. FAILURE TO REPORT CHANGE OF ADDRESS WITHIN 8 WEEKS ATTRACS \$ 30 PENALTY"**

(Emphasis added)

The extension is up to 31-01-2023 and it is on the ground that she is married to an Indian and is in employment with the permission of FRRO. The petitioner, on the verge of expiry of the said period,

applies for extension of visa. This becomes the genesis of the issue in the *lis*, certain mandatory documents are sought. The communication seeking documents reads as follows:

"List of mandatory and non mandatory documents

Mandatory documents

- | | | |
|---|------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <i>Photo</i> | <i>Applicant's photo.</i> |
| 2 | <i>Residence proof</i> | <i>Updated form 'C' generated by Hotel or Lodge or Registered/Notarized Lease Deed, Utility Bill /Copy of photo-ID of the land lord along with declaration and tenant Police Verification.</i> |
| 3 | <i>Visa</i> | <i>Indian Visa</i> |
| 4 | <i>Undertaking from sponsor/parents:</i> | <i>Undertaking of parents along with Passport and Visa/ OCI copies (in case of minors)</i> |
| 5 | <i>Passport</i> | <i>Bio-data page of passport along with page bearing last Indian immigration arrival stamp</i> |
| 6 | <i>Registration Certificate</i> | <i>FRRO/FRO Registration certificate /Residential permit of the entry (X-1) Visa holder"</i> |

(Emphasis added)

One such document sought was undertaking from the sponsor/parents along with relevant documents. It is here the petitioner fails to produce the consent of the husband, depicting that the petitioner is his dependent. Then, the petitioner represents to the FRRO

bringing to its notice that she is not in a position to furnish the consent of the husband. The representation reads as follows:

"To,

Date: 10-07-2023

Foreigners Regional Registration Office
Bengaluru, Karnataka.

From:

Raktima Khanum
W/o Janardhana Reddy
1079, 3rd Cross, E Block
3rd Main Road, 2nd Stage, Rajajinagar,
Bengaluru-560 010.

Sub: Request for extending deadline/exempting for
furnishing spouse's financial undertaking.

Dear Sir/Madam,

I am Raktima Khanum having Passport No.EJ 0919546 and Aadhar No.934550506120 residing at the aforementioned address. I have been living in India since 2018 on Stay visa issued by your good office after considering my civil behavior as a good resident in India. I am an Artist and got married to Mr. Janardhana Reddy on 25-12-2017 who is an Indian Citizen having Aadhar No.5812 8283 0679.

My previous stay Visa (Service No. KA 02/VEF/BGD/795/2023) was valid from 22-08-2022 to 21-06-2023 and immediately before the expiry I applied for extending the Visa in the online portal. My Application ID is No.200623PF91RM and I have uploaded all mandatory documents except the financial undertaking of my spouse.

Though my application for Indian Citizenship got received by the Foreigners Division Ministry of Home Affairs, Government of India, the procedure is

ongoing. Therefore, your good office was kind enough to extend my visa every year to stay with my husband here.

This is to bring your kind attention to the fact that I and my husband are having certain matrimonial issues in our marriage. I am trying to resolve the said issues by availing legal remedies and I have already initiated the process.

This being the reason, at the moment, my husband is evading my request to furnish the financial undertaking though he is capable to do so. Besides, this has put me in severe hardship both emotionally and materially. I am determined that I can resolve the issues in the near future by taking recourse in the available legal remedies.

In light of the above, I hereby request your good office to kindly accommodate my genuine concern and please extend the deadline or exempt me from submitting the financial undertaking from my spouse."

(Emphasis added)

The extension of deadline or exemption from submitting financial undertaking as necessary was sought by the petitioner in the aforesaid representation.

13. A collateral proceeding is initiated by the petitioner seeking maintenance from the hands of her husband invoking Section 125 of the Cr.P.C. This is done ostensibly on the score that the 4th respondent has neglected the petitioner. This is filed on

25-07-2023, after the FRRO started to question the petitioner and began to seek mandatory documents. The said case is pending before the concerned Court. In the light of the fact that the petitioner did not have requisite documents, the impugned exit permit was issued upon the petitioner. After issuance of exit permit, the FRRO has sought certain documents from the hands of the petitioner. Taking cue from the documents sought by the FRRO after issuance of exit permit, the petitioner knocked at the doors of this Court. Finding incongruity in the action of the FRRO, an interim order not to precipitate the matter was granted till the records are perused. The original records placed before this Court are perused.

14. One of the conditions of extension is that there should be nothing adverse reported and no local objection, both of which are found in the case at hand. It appears that the Police themselves have intimated to the FRRO that visa to the petitioner should not be extended as there is suspicion about her stay itself in Bengaluru. The communication dated 25-09-2022 by the Station House Officer of Subramanyanagara Police Station to the FRRO reads as follows:

"ಸಂಖ್ಯೆ:ಬಿ5ಪಿಎಸ್/ಎಫ್ಆರ್/02/2022.

ಸುಬ್ರಮಣ್ಯನಗರ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ, ದಿನಾಂಕ:25.09.2022

ರವರಿಗೆ,

ಪ್ರಾದೇಶಿಕ ವಿದೇಶೀಯರ ನೋಂದಣಿ ಕಛೇರಿ
ಎಫ್ಆರ್ಆರ್‌ಟಿ ಕಚೇರಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ
5ನೇ ಮಹಡಿ, ಎ ಬ್ಲಾಕ್, ಟಿಟಿಎಂಸಿ ಬಿಎಂಟಿಪಿ ಬಿಲ್ಡಿಂಗ್,
ಕೆ.ಹೆಚ್.ರಸ್ತೆ, ಶಾಂತಿನಗರ ಬೆಂಗಳೂರು-27.

ಮಾನ್ಯರ,

ವಿಷಯ: ಸುಬ್ರಮಣ್ಯನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ವಿಳಾಸ ನೀಡಿ ವೀಸಾಗಾಗಿ
ಅರ್ಜಿ ಸಲ್ಲಿರುವ ವಿದೇಶೀಯರ ಬಗ್ಗೆ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: Foreigners Regional Registration Office, Bureau
of Immigration, (M.H.A) Letter
No.01/FM/BOI/PS/2021-55, Dated:19.09.2022
(By Email-on 20.09.2022)

* * * * *

ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ತಮ್ಮಲ್ಲಿ
ನಿವೇದಿಸಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ಸುಬ್ರಮಣ್ಯನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ವಿಳಾಸವನ್ನು ನೀಡಿ
ಭಾರತ ದೇಶದಲ್ಲಿ ವಾಸ ಮಾಡಲು ವೀಸಾ ನವೀಕರಣಕ್ಕಾಗಿ ಅರ್ಜಿಯನ್ನು ತಮ್ಮ ಕಚೇರಿಗೆ
ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ವಿದೇಶಿ ಪ್ರಜೆಯವರಿಗೆ ವೀಸಾ ನೀಡುವ ಬಗ್ಗೆ ಅವರ ವಿವಾಹ, ವಾಸಸ್ಥಳ ಹಾಗೂ
ಯಾವುದೇ ಪ್ರತಿಕೂಲ ವರದಿ ಇರುವ ಕುರಿತಂತೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ
ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.

SL. NO	REGISTRATI ON NUMBER	NAME OF THE FOREIGN ER	NATIONALITY	PASSPO RT NUMBER	SERVICE DATE	VISA TYPE	VISA NO	PRESENT ADDRESS
1	KA02/VEF/B GD/2823/20 22	RAKTIMA KHANUM	BANGLADESH	EJ0919 548	16-11- 2006	ENTR Y VISA (X-1)	VKA0 2000 1119	NO-1079, 3RD CROSS, E BLOCK, 3RD MAIN ROAD, 2ND STAGE, RAJAJINAG ARA, BENGALUR U-560010

ಅದರಂತೆ ಶ್ರೀಮತಿ ರಕ್ತಿಮಾ ಖಾನಮ್ ಕೋಂ ಜನಾರ್ದನ್ ರೆಡ್ಡಿ, 48 ವರ್ಷ, ಹಾಲಿ
ವಾಸ ನಂ: 1079, 3ನೇ ಕ್ರಾಸ್, ಇ-ಬ್ಲಾಕ್, 3ನೇ ಮೈನ್, 2ನೇ ಹಂತ, ರಾಜಾಜಿನಗರ,

ಬೆಂಗಳೂರು-560 010, ಮೊ.ನಂ:76248 60756 ರವರನ್ನು ಠಾಣೆಗೆ ಬರ ಮಾಡಿಕೊಂಡು ಹೇಳಿಕೆ ಪಡೆಯಲಾಗಿ ಅರ್ಜಿದಾರರು ಬಾಂಗ್ಲಾದೇಶದ ಪ್ರಜೆಯಾಗಿದ್ದು, ದಿನಾಂಕ:20.07.1974 ರಂದು ಬಾಂಗ್ಲಾದೇಶದ ಸಿರಾಜ್‌ಘಂಜ್ ಪ್ರದೇಶದ ಶಹಜಾದ್‌ಪುರ್‌ನ ಖಾಸ್‌ಸತ್‌ಬರಿಯಾದ ಆಗ್‌ನಕೂಲಿಯಲ್ಲಿ ಜನಿಸಿದ್ದು, ತಂದೆ ಎಂ.ಎ.ರಶೀದ್ ಮಿಯಾ, ತಾಯಿ ಬೇಗಂ ಲೈಲಾ ರಶೀದ್ ರವರುಗಳಾಗಿದ್ದು, ಪ್ರಸ್ತುತ ಅವರು ಮರಣ ಹೊಂದಿರುತ್ತಾರೆ. ಕಿರಿಯ ಸರ್ಕಾರದ ಮೊಹಮ್ಮದ್ ರಸೇದುಲ್ ಹಸನ್ ರವರು ಹಾಲಿ ಬಾಂಗ್ಲಾದೇಶದ ಠಾಕಾ ಬಳಿಯ ಧನ್‌ಮೊಂಡಿಯ ನಂ:79, ಪ್ಲಾಟ್ ನಂ:4/ಬಿ ರಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಮುಂದುವರೆದು ಅರ್ಜಿದಾರರು ದಿನಾಂಕ: 17.08.2014 ರಲ್ಲಿ ಭಾರತದ ಕೊಲ್ಕತ್ತೆಗೆ ಬಂದು ಅಜ್ಜೀರ್‌ನ ಷರೀತ ದರ್ಗಾಗೆ ಭೇಟಿ ನೀಡಿದ್ದು ಭಾರತದ ಮೊದಲ ಭೇಟಿಯಾಗಿರುತ್ತದೆಂದು ತಿಳಿಸಿದ್ದು, ಸಾಮಾಜಿಕ ಜಾಲತಾಣ ಪೇಸ್‌ಬುಕ್ ಮೂಲಕ ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ಪರಿಚಿತರಾಗಿದ್ದು, ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ನನಗೆ ಸಿನಿಮಾಗಳನ್ನು ನಿರ್ದೇಶಿಸುವ ಕೆಲಸವನ್ನು ಮಾಡುತ್ತಿದ್ದುದಾಗಿ ಹೇಳಿದ್ದು, ಇಬ್ಬರು ಪರಸ್ಪರ ಪೇಸ್‌ಬುಕ್‌ನಲ್ಲಿ ಸಂದೇಶಗಳನ್ನು ಕಳುಹಿಸುತ್ತ ಪರಿಚಯ ಪ್ರೇಮಕ್ಕೆ ತಿರುಗಿ ಪರಸ್ಪರ ಪ್ರೀತಿಸುತ್ತಿದ್ದು, ಇಬ್ಬರು ಪ್ರೀತಿಸುತ್ತದೆಯೆಂದ ವಿವಾಹವಾಗಲು ನಿರ್ಧಾರ ಮಾಡಿದ್ದು, ದಿನಾಂಕ: 01.07.2017 ರಂದು ಕೊಲ್ಕತ್ತೆ ಹಾಗೂ ದಿನಾಂಕ 04.08.2017 ರಂದು ಚೆನ್ನೈಗೆ ಬಂದು ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ರವರನ್ನು ಖುದ್ದು ಭೇಟಿಮಾಡಿ ಮದುವೆ ಮಾಡಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ತೀರ್ಮಾನ ಮಾಡಿಕೊಂಡಿದ್ದು, ಅನಂತರ ದಿನಾಂಕ: 22.12.2017 ರಂದು ನವದೆಹಲಿಗೆ ಬಂದಿದ್ದು, ದಿನಾಂಕ: 25.12.2017 ರಂದು ನವದೆಹಲಿಯ ಫತೇಪುರಿ ಮಸೀದಿಯಲ್ಲಿ ಮುಸ್ಲಿಂ ಸಂಪ್ರದಾಯದಂತೆ ವಿವಾಹವಾಗಿದ್ದು, ವಿವಾಹದ ನೋಂದಣಿ ಸಂಖ್ಯೆ 3150/ಡಿಲ್/6ಡಿ/17 ರಲ್ಲಿ ಅಲಿ ಅಹಮ್ಮದ್ ಖಾಸ್ತಿ, ಮೌಲಾನಾ, ಮದರಸಾ ಆಲಿಯಾ ಅರೇಬಿಯಾ ನಂ:29/6500 ಫತೇಪುರಿ, ದೆಹಲಿ-06 ರಲ್ಲಿ ವಿವಾಹ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಪಡೆದುಕೊಂಡು ಸದರಿ ವಿವಾಹವನ್ನು ಉತ್ತರಪ್ರದೇಶ ರಾಜ್ಯದ ಫಾಜಿಯಾಬಾದ್ ಜಿಲ್ಲೆಯ ವಿವಾಹ ನೋಂದಣಾಧಿಕಾರಿ-5 ರವರಲ್ಲಿ ದಿನಾಂಕ: 02.01.2018 ರಂದು ನೋಂದಣಿ ಮಾಡಿಸಿರುವುದಾಗಿ ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ರವರನ್ನು ವಿವಾಹವಾದಾಗ ಅವರು ಬೆಂಗಳೂರು ನಗರದ ಜಿ.ಪಿ.ನಗರ, 1ನೇ ಹಂತದ ಸಾರಕ್ಕಿ ಮುಖ್ಯರಸ್ತೆಯಲ್ಲಿರುವ 8ನೇ ಅಡ್ಡರಸ್ತೆಯ ನಂ:16 ರ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದರು, ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ರವರನ್ನು ದಿನಾಂಕ:25.12.2017 ರಂದು ವಿವಾಹವಾದ ನಂತರ ಬಾಂಗ್ಲಾದೇಶಕ್ಕೆ ತೆರಳಿ, ಮತ್ತೆ ದಿನಾಂಕ: 25.09.2018 ರಂದು ಭಾರತಕ್ಕೆ ಬಂದು ಮೇಲಿನ ವಿಳಾಸದಲ್ಲಿ ಪತಿಯೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದು, ನಂತರ ದಿನಾಂಕ 30.09.2019 ರಂದು ಸದರಿ ವಿಳಾಸವನ್ನು ಖಾಲಿ ಮಾಡಿ ಪತಿಯೊಂದಿಗೆ ರವರು ನಂ:1379/ಎ, 3ನೇ ಸಿ-ಮೈನ್, ಇ-ಬ್ಲಾಕ್, 2ನೇ ಹಂತ, ರಾಜಾಜಿನಗರ, ಬೆಂಗಳೂರು ನಗರ ಇಲ್ಲಿಗೆ ದಿನಾಂಕ: 01.10.2019 ರಂದು ವಾಸ್ತವ್ಯವನ್ನು ಬದಲಾಯಿಸಿ ದಿನಾಂಕ 25.01.2022 ರವರೆಗೆ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಿದ್ದು, ನಂತರ ದಿನಾಂಕ: 26.01.2022 ರಂದು ಹಾಲಿ ವಾಸಮಾಡುತ್ತಿರುವ ವಿಳಾಸವಾದ ನಂ:1079, 3ನೇ ಕ್ರಾಸ್, ಇ-ಬ್ಲಾಕ್, 3ನೇ ಮೈನ್, 2ನೇ ಹಂತ, ರಾಜಾಜಿನಗರ, ಬೆಂಗಳೂರು-560 010 ರ ವಿಳಾಸಕ್ಕೆ ವಾಸ್ತವ್ಯವನ್ನು ಬದಲಾಯಿಸಿಕೊಂಡು ಹಾಲಿ ಇದೆ ವಿಳಾಸದಲ್ಲಿ ವಾಸ ಮಾಡುತ್ತಿದ್ದು. ಈ ನಡುವೆ ಪತಿಯಾದ ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ರವರು ಅರ್ಜಿದಾರರೊಂದಿಗೆ ಜಗಳ ಮಾಡಿಕೊಂಡು ಪ್ರತ್ಯೇಕವಾಗಿ ವಾಸವಾಗಿರುವುದಾಗಿ ಹಾಲಿ ಪತಿ ಎಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆಂದು ತಿಳಿದಿಲ್ಲವೆಂದು ತಮ್ಮ ಹೇಳಿಕೆಯನ್ನು ನೀಡಿ, ತಾನು ಭಾರತ ದೇಶದ ಪ್ರಜೆಯನ್ನು ವಿವಾಹವಾಗಿರುವುದರಿಂದ ನನ್ನ ಪತಿಯೊಂದಿಗೆ ಜೀವನ ಸಾಗಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಭಾರತದ ವೀಸಾವನ್ನು ವಿಸ್ತರಣೆ ಮಾಡಬೇಕೆಂದು ಕೋರುತ್ತ ಬಾಂಗ್ಲಾದೇಶದ ಪಾಸ್‌ಪೋರ್ಟ್‌ನ ಪ್ರತಿ, ಭಾರತ ದೇಶದಲ್ಲಿ ವಿತರಣೆಯಾಗಿರುವ ವೀಸಾ ಪ್ರತಿ, ಭಾರತದಲ್ಲಿ ವಿವಾಹ ನೋಂದಣಿಯಾಗಿರುವ ಬಗ್ಗೆ ದಾಖಲಾತಿಗಳು ಹಾಗೂ ಈ ಹಿಂದೆ ಮತ್ತು ಹಾಲಿ ವಾಸವಾಗಿರುವ ವಿಳಾಸಗಳ ಬಗ್ಗೆ ಬಾಡಿಗೆ ಕರಾರು ಪತ್ರಗಳು ಹಾಗೂ ಪತಿಯಾದ ಶ್ರೀ ಜನಾರ್ಧನ್ ರೆಡ್ಡಿ ರವರ ಆಧಾರ್‌ಕಾರ್ಡ್‌ನ ಪ್ರತಿ ಹಾಗೂ ಪಾನ್‌ಕಾರ್ಡ್‌ನ ಪ್ರತಿಯನ್ನು ಸಲ್ಲಿಸಿ ಭಾರತ ದೇಶದಲ್ಲಿ ವಾಸ ಮುಂದುವರೆಸಲು ಕೋರಿ ವೀಸಾಗಾಗಿ ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯನ್ನು ತಿಳಿಸಿರುತ್ತಾ ಮೂಡಬೇಕೆಂದು ಮನವಿ ಮಾಡಿರುತ್ತಾರೆ.

ವೀಸಾ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀಮತಿ ರಕ್ತಮಾ ಖಾನಮ್ ಕೋಂ ಜನಾರ್ಥನ್ ರೆಡ್ಡಿ, 48 ವರ್ಷ, ಹಾಲಿ ವಾಸ ನಂ:1079, 3ನೇ ಕ್ರಾಸ್, ಇ-ಬ್ಲಾಕ್, 3ನೇ ಮೈನ್, 2ನೇ ಹಂತ, ರಾಜಾಜಿನಗರ, ಬೆಂಗಳೂರು-560 010, ಮೊ.ನಂ.7624860756 ರವರು ಬಾಂಗ್ಲಾ ದೇಶದ ಪ್ರಜೆಯಾಗಿರುವುದಾಗಿ ಅವರು ಹೊಂದಿರುವ ಪಾಸ್‌ಪೋರ್ಟ್‌ನಿಂದ ತಿಳಿದುಬಂದಿದ್ದು, ಅವರು ಭಾರತೀಯ ಪ್ರಜೆಯನ್ನು ದಿನಾಂಕ: 25.12.2017 ರಂದು ವಿವಾಹವಾಗಿದ್ದು, ವಿವಾಹವನ್ನು ನೋಂದಣಿ ಮಾಡಿರುವುದು ಹಾಜರುಪಡಿಸಿದ ದಾಖಲೆಗಳಿಂದ ತಿಳಿದುಬಂದಿದ್ದು, ವಿವಾಹದ ನಂತರ ಪತಿಯೊಂದಿಗೆ ವಾಸಮಾಡಲು ವೀಸಾದ ಅವಶ್ಯಕತೆ ಇರುವುದಾಗಿ ಅವರ ಹೇಳಿಕೆಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಅರ್ಜಿದಾರರು ತಾಣಾ ಸರಹದ್ದಿನಲ್ಲಿ ವಾಸದ ಅವಧಿಯಲ್ಲಿ ಅವರ ವಿರುದ್ಧ ಯಾವುದೇ ಪ್ರತಿಕೂಲ ವರದಿಗಳು ಬಂದಿರುವುದಿಲ್ಲ.

ವೀಸಾ ಅರ್ಜಿದಾರರಾದ ಶ್ರೀಮತಿ ರಕ್ತಮಾ ಖಾನಮ್ ಕೋಂ ಜನಾರ್ಥನ್ ರೆಡ್ಡಿ, 48 ವರ್ಷ, ಹಾಲಿ ವಾಸ ನಂ: 1079, 3ನೇ ಕ್ರಾಸ್, ಇ-ಬ್ಲಾಕ್, 3ನೇ ಮೈನ್, 2ನೇ ಹಂತ, ರಾಜಾಜಿನಗರ, ಬೆಂಗಳೂರು-560 010, ಮೊ.ನಂ:7624860756 ರವರ ವೀಸಾ ವಿಸ್ತರಣೆಯನ್ನು ಮಂಜೂರು ಮಾಡಬಾರದೆಂದು ಈ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುತ್ತಾ ಅರ್ಜಿದಾರರು ವಿಚಾರಣಾ ಕಾಲದಲ್ಲಿ ಒದಗಿಸಿದ ಬಾಂಗ್ಲಾದೇಶದ ಪಾಸ್‌ಪೋರ್ಟ್‌ನ ಪ್ರತಿ, ಭಾರತ ದೇಶದಲ್ಲಿ ವಿತರಣೆಯಾಗಿರುವ ವೀಸಾ ಪ್ರತಿ, ಭಾರತದಲ್ಲಿ ವಿವಾಹ ನೋಂದಣಿಯಾಗಿರುವ ಬಗ್ಗೆ ದಾಖಲಾತಿಗಳು ಹಾಗೂ ಈ ಹಿಂದೆ ಮತ್ತು ಹಾಲಿ ವಾಸವಾಗಿರುವ ವಿಳಾಸಗಳ ಬಗ್ಗೆ ಬಾಡಿಗೆ ಕರಾರು ಪತ್ರಗಳು ಹಾಗೂ ಪತಿಯಾದ ಶ್ರೀ ಜನಾರ್ಥನ್ ರೆಡ್ಡಿ ರವರ ಆಧಾರ್‌ಕಾರ್ಡ್‌ನ ಪ್ರತಿ ಹಾಗೂ ಪಾನ್‌ಕಾರ್ಡ್‌ನ ಪ್ರತಿಗಳನ್ನು, ಅರ್ಜಿದಾರರ ಹೇಳಿಕೆ ಮತ್ತು ಅರ್ಜಿದಾರರ ಹೆಸರಿನಲ್ಲಿನ ಸಿಸಿಐಎಸ್ ವರದಿಯನ್ನು ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಲಗತ್ತಿಸಿ ನಿವೇದಿಸಿದೆ.

ವಂದನೆಗಳೊಂದಿಗೆ

ತಮ್ಮ ವಿಶ್ವಾಸಿ,
ಸಹಿ/-

(ಶರಣಗೌಡ ಪಿ.ಹೆಚ್)

ಪೊಲೀಸ್ ಇನ್‌ವೆಕ್ಟರ್ ಮತ್ತು ತಾಣಾಧಿಕಾರಿಗಳು
ಸುಬ್ರಮಣ್ಯನಗರ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ-560 010.”

(Emphasis added)

The report of the Station House Officer is as quoted hereinabove. The recommendation of the Station House Officer is that, the extension of visa should not be granted. What is adverse against the petitioner is also borne out from original records. The history of the petitioner is traced in the original records. Between 2003 and

2005 it appears that the petitioner was working in Thailand Embassy office at Dhaka, Bangladesh and in many of the airlines later.

15. The learned Deputy Solicitor General of India Sri.H. Shanthi Bhushan has secured and produced original records for perusal of the Court and has also filed detailed statement of objections. A perusal at the record so submitted would indicate plethora of conversations through whatsapp, face book or other social media platform of the petitioner with the head or members of SSG. The SSG as borne out from the original records appears to have links with the army of the neighbouring nation. Since these are classified documents, they are not quoted in the course of this order. But, a perusal at the original records, as observed hereinabove, leaves none in doubt that the actions of the petitioner in India are suspicious. Therefore, retention of the petitioner on any sympathy being shown on the submission that she is now left in the lurch by the 4th respondent – husband, would pose a serious threat to the security of the nation. It is rather surprising that when FRRO

has all the information about the antecedents of the petitioner, strangely they are worried about payment of fee to send the petitioner out from the soil of the nation. Therefore, the FRRO or the Bureau of migration, as the case would be, without brooking any delay must act swiftly and execute the exit permit.

16. It is trite that no citizen of any other nation can project any semblance of a right to remain on the soil of the nation beyond what the documents permit. The documents, in the case at hand, permit stay of the petitioner in the nation on an X-1 Visa which is a dependent Visa. The dependent Visa has now expired, extension of the same is not granted and by a fiat of this Court extension cannot be directed to be granted in the facts of the case. The power of Government of India to expel nationals of other countries who overstay in the nation without any document is absolute and unfettered. Any indulgence shown to the petitioner, on any kind of sympathy, would be putting fetters on the discretion of the Government, the FRRO and the Bureau of Immigration, more so in cases where there is even a semblance of threat to national security of any kind.

17. An unmistakable inference that would emerge from the perusal of the records and the facts as narrated hereinabove is that the petitioner is not blame free. Adverse notings are available in the original file. Therefore, no fault can be found with the exit permit that is issued against the petitioner. What is projected in the exit permit is that the petitioner has to pay some amount to the FRRO to leave the nation. In the facts and circumstances of the case, I direct the FRRO to execute the exit permit without insisting on any fee from the petitioner.

18. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is dismissed.
- (ii) The exit permit issued to the petitioner stands sustained.
- (iii) The FRRO shall not insist upon any payment by the petitioner to leave the country.

- (iv) The FRRO shall consider exit of the petitioner from the shores of the nation without brooking any delay after following due process of law.
- (v) Interim order, if any subsisting, stands dissolved.

**Sd/-
JUDGE**

bkp
CT:SS