



2026:KER:41281

WP(Cr1.)No.1405/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

THURSDAY, THE 11TH DAY OF JUNE 2026 / 21ST JYAISHTA, 1948

WP(CRL.) NO. 1405 OF 2025

CRIME NO.337/2023 OF Changanassery Police Station, Kottayam

JUDGMENT DATED IN CC NO.1914 OF 2023 OF JUDICIAL MAGISTRATE
OF FIRST CLASS ,CHANGANACHERRY

PETITIONER:

AHMAD NASIR OSMANI
AGED 26 YEARS
S/O NASER MOHAMMAD, PERMANENTLY RESIDING AT HOUSE NO.
126/8, KORTHSEL, DOWLATBAD DISTRICT, BALKH PROVINCE,
AFGHANISTAN PRESENTLY DETAINED AT DETENTION CENTRE
(TRANSIT HOME), KOTTIYAM P.O., KOLLAM, PIN - 691571

BY ADV KUM.NIHARIKA HEMA RAJ

RESPONDENT:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031
- 2 FOREIGNERS REGIONAL REGISTRATION OFFICER (FRRO)
2ND FLOOR, AIRLINES BUILDING, COCHIN INTERNATIONAL
AIRPORT LTD., KOCHI, PIN - 683111
- 3 MINISTRY OF HOME AFFAIRS
REPRESENTED BY ITS SECRETARY, ROOM NO. 113, NORTH
BLOCK, NEW DELHI, PIN - 110001

BY ADV O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA



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OTHER PRESENT:

PP. SRI. SAMEER.S

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 11.06.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



**HIGH COURT OF KERALA
CERTIFIED COPY**



JUDGMENT

The petitioner, an Afghan national, has filed this writ petition under Article 226 of the Constitution of India seeking the following reliefs:-

i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to accept an application for compounding of offences under Section 25 of the Immigration and Foreigners Act, 2025 from the petitioner in any form in writing, whether submitted through counsel, signed representation, or email, notwithstanding the absence of a prescribed statutory form;

ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to take a reasoned decision on such compounding application within a period to be fixed by this Hon'ble Court, and if the offence is compounded, to forthwith intimate the same in writing to the learned Judicial First Class Magistrate Court-I, Changanacherry, in terms of Section 25(5) of the Immigration and Foreigners Act, 2025;

iii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the learned Judicial First Class magistrate Court-I, Changanacherry, that upon such notice of compounding of offences being given in writing by the 2nd respondent under Section 25(5) of the Immigration and Foreigners Act, 2025, the petitioner shall be discharged from C.C.No.1914 of 2023 in accordance with the said provision, within a period deemed fit by this Hon'ble Court.

iv) Issue any other writ, order or direction deemed fit by this Hon'ble Court in the above facts and circumstances.

2. The learned Deputy Solicitor General of India, representing respondents 2 and 3, filed a statement today making it clear that the benefits of Section



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25 of the Immigration and Foreigners Act, 2025, for compounding of the offence, is applicable to the case of the petitioner, and that the benefits thereunder would be extended to the petitioner as well. It is further stated that the benefits of the aforesaid provision could be extended to the petitioner subject to the payment of the amount specified in column (3) of the table appended to the notification No. SO 3999(E) dated 01.09.2025 issued by the Ministry of Home Affairs. According to respondents 2 and 3, the petitioner has to submit an application seeking compounding of the offences under Section 25 of the Immigration and Foreigners Act, 2025, through a duly signed representation or through his legal representative.

3. The learned counsel for the petitioner submitted that no prescribed form for submitting such a representation has been formulated so far by the legislature. For the above reason, the learned counsel has requested to consider the application, which would be submitted by the petitioner incorporating the necessary particulars. The learned counsel for the petitioner further brought to my notice that the petitioner had already undergone detention for more than 3 years, and hence it is highly necessary to expedite the proceedings.

In the above facts and circumstances of the case, I deem it appropriate to dispose of this writ petition as follows:-



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- 1) The petitioner has to submit an application incorporating all the necessary particulars, by way of e-mail, and comply with the requirement of the remittance of fee as required by the notification stated above for the purpose of compounding the offence involved in this case.
- 2) If such an application is submitted, the respondents shall expedite the proceedings, and pass the necessary orders extending the benefits of Section 25 of the Immigration and Foreigners Act, 2025, to the petitioners within a period of two weeks from the date of receipt of the application.
- 3) It is made clear that the respondents will have to send the necessary intimation to the jurisdictional Magistrate, in accordance with the rules promptly.
- 4) It is also made clear that the petitioner will have to apply for the travel documents, and fulfill the requirement in that regard.
- 5) If the necessary legal requirements are fulfilled, the jurisdictional Magistrate shall pass the required orders under Section 25(5) of the Immigration and Foreigners Act, 2025, discharging the petitioner from the offence charged against him.

sd/
G.GIRISH
JUDGE

jm/



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PETITIONER EXHIBITS

- Exhibit P1** A TRUE COPY OF THE FIR IN CRIME NO. 0337 OF 2023 DATED 06.02.2023 OF CHANGANASSERY POLICE STATION, KOTTAYAM
- Exhibit P2** TRUE COPY OF THE ORDER OF THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, CHANGANACHERRY IN CMP NO. 575/2023 DATED 23.02.2023
- Exhibit P3** TRUE COPY OF THE DETENTION ORDER DATED 07.06.2023 PASSED BY THE 2ND RESPONDENT AGAINST THE PETITIONER
- Exhibit P4** TRUE COPY OF THE NOTIFICATION DATED 01.09.2025 ISSUED BY THE 3RD RESPONDENT UNDER SECTION 25(1) OF THE IMMIGRATION AND FOREIGNERS ACT, 2025
- Exhibit P5** TRUE COPY OF THE EMAIL DATED 10.09.2025 SENT BY THE PETITIONER TO THE 2ND RESPONDENT

HIGH COURT OF KERALA
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