



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 28TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100523 OF 2024 (GM-PASS)

BETWEEN:

1. THE UNION OF INDIA,
R/BY ITS PRINCIPLE SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK SECRETARIAT,
RISINA HILLA, NEW DELHI-110 001.
2. THE REGIONAL PASSPORT OFFICER,
O/O THE REGIONAL PASSPORT OFFICE BENGALURU,
8TH BLOCK, 80 FEET ROAD, KORAMANGALA,
BENGALURU-560 095.

...APPELLANTS

(BY SRI. VENKATESH M. KHARVI, DSGI)

AND:

1. SRI. SHASHIDHAR
S/O RAJASHEKAR ULLAGADDIMATH
AGE. 57 YEARS, OCC. ARMS BUSINESS,
R/O ULLAGADDIMATH ROAD, HUBBALLI-580 021.
2. THE COMMISSIONER OF POLICE,
O/O POLICE COMMISSIONER,
HUBBALLI-DHARWAD, NAVANAGAR,
HUBBALLI-580 025.

...RESPONDENTS

(BY SRI. L.S. SULLAD, ADVOCATE FOR R1;
SRI. SHARAD V. MAGADUM, AGA FOR R2)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE IMPUGNED ORDER PASSED BY THE HON'BLE LEARNED SINGLE JUDGE, HIGH COURT OF KARNATAKA, DHARWAD BENCH IN WRIT PETITION NO.104706/2024 DATED 28/08/2024 IN THE INTEREST OF JUSTICE & ETC.



THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

Heard Sri. Venkatesh M Kharvi, learned DSGI for the appellants; learned counsel Sri. L.S. Sullad for respondent No.1 as well as learned AGA Sri. Sharad V Magadum for respondent No.2. Perused the entire writ appeal papers.

2. The Union of India and Regional Passport Officer are before this Court under Section 4 of the Karnataka High Court Act, 1961, aggrieved by order dated 28.08.2024 passed in WP No.104706/2024, whereunder, the learned Single Judge directed the Passport Officer to consider the application filed by the petitioner dated 15.3.2024 for renewal of his passport.

3. The parties would be referred to as they stood before the learned Single Judge.



4. The fact that CC No.950/2020 on the file of learned Prl. Civil Judge and JMFC, Hubballi for the offences punishable under Sections 25(1) (1B) and 30 of Indian Arms Act, 1959 as well as other criminal cases pending against the petitioner is not in dispute. It is also not in dispute that the petitioner has approached this Court in CrI.P.No.100133/2021 questioning the proceedings in Crime No.211/2016 registered by Sub-Urban Police Station, Hubballi. This Court by order dated 10.02.2022 stayed further proceedings in CC No.950/2020 on the file of learned Prl. Civil Judge and JMFC, Hubballi.

5. Learned counsel for the petitioner would support the order passed by the learned Single Judge and would further submit that the Passport Authority could not have denied the renewal of passport solely on the ground of pendency of CC No.950/2020 before the learned Prl. Civil Judge and JMFC, Hubballi.



6. Learned counsel for respondent placing reliance on Section 6 of the Passports Act, 1967¹ and judgment rendered by a co-ordinate Bench of this Court in CCC No.200184/2023 c/w WA No.200170/2022², dated 18.12.2023, contends that even for renewal of passport, permission of the Court, where criminal proceedings are pending, is required to be taken.

7. We have considered the submission of learned counsel appearing for the parties.

8. Under Section 6 of the Act of 1967, Passport Authority could refuse the passports or travel documents on the grounds stated therein. Section 6(2) of the Act of 1967 reads as follows:

6. Refusal of passports, travel documents etc.-

- (1) **xxxxxxx xxxxxx**
- (2) Subject to the other provisions of this Act, the passport authority shall refuse

¹ For short, 'Act of 1967'

² Sanjay G. Kheny Vs. Krishna & Another



to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely:--

(a) that the applicant is not a citizen of India;

(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;



(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

9. Clause (f) in Section 6(2) of Act, 1967 makes it clear that when the proceedings in respect of offences alleged to have been committed by the applicant are pending before a Criminal Court in India, the Passport Authority could refuse to issue passport or travel document.

10. A co-ordinate Bench of this Court in CCC No.200184/2023 c/w WA No.200170/2022 stated supra considering the provisions of Section 6(2)(e & f) at paragraphs-6 and 7 has observed as under:

6. Having heard the learned Counsel for the complainant/writ petitioner and the learned DSGI for the appellants/respondents and on perusing the petition papers, this Court finds that there has been a consistent view of this Court that in a cases falling under clause (f) of sub-section (2) of Section 6, even for the purpose of obtaining a passport or renewal of a passport also the permission of the Court where the criminal proceedings are pending against the applicant is required to be taken. As rightly submitted by the learned DSGI, this is not a case which falls under clause (e) of sub-section (2) of Section 6 of the Act and therefore, we are of the opinion that since the case falls under clause (f) of sub-section (2) which empowers the Passport Authority to refuse to issue a passport on any one or more of the



grounds enumerated therein and clause (f) is a situation where proceedings in respect of an offence alleged to have been committed by the applicant is pending before a criminal Court in India, the submissions of the learned DSGI has to be upheld.

- 7.** In that view of the matter, we proceed to allow the writ appeal filed at the hands of the Union of India and the Passport Authority, while setting aside the impugned order dated 13.07.2022 passed by the learned Single Judge in W.P.No.201057/2022. The writ petitioner is free to approach the Court where the criminal case is pending and seek permission for renewal of passport and if such permission is granted, the same can be submitted before the Passport Authority and if such permission is granted by the Court, the Passport Authority shall proceed to renew the passport in favour of the writ petitioner in accordance with law.

11. There is no reason to disagree with the above observation of co-ordinate Bench of this Court. Accordingly, the order of the learned Single Judge requires modification. Hence, the following:

ORDER

The order of learned Single Judge dated 28.08.2024 in WP No.104706/2024 is modified directing the petitioner to approach the Court, in which CC No.950/2020 is pending, or the petitioner is at liberty to file appropriate application in the pending criminal petition before this Court.



With the above modification, the writ appeal stands disposed of.

Pending applications, if any, are disposed of as not surviving for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

JTR
CT:VP
LIST NO.: 1 SL NO.: 23