



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 5941 OF 2026 (GM-PASS)

BETWEEN:

MR.THOMAS P.M.,
S/O MATHEW P.T.,
AGED ABOUT 54 YEARS,
CEO, STYLUS SYSTEM PRIVATE LIMITED,
NO.924, 5TH A CROSS,
1ST BLOCK, HRBR LAYOUT,
BENGALURU-560043.

ALSO RESIDING AT 416,
EMERALD 2,
PETRA PARK APARTMENTS,
RAMAMURTHY NAGAR,
VTC: BENGALURU NORTH,
BENGALURU-560016.

...PETITIONER

(BY SRI. MUTTALLI SANTOSH TIMMAPPA, ADVOCATE)

AND:

1. THE REGIONAL PASSPORT OFFICER
REGIONAL PASSPORT OFFICE,
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA,
BENGALURU-560095.
2. THE STATE OF KARNATAKA
BY BANASWADI POLICE STATION
REPRESENTED BY ITS
PUBLIC PROSECUTOR



HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

...RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R2;
VIDE COURT ORDER DATED 06.03.2026
SRI. RAJASHEKAR S., ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENT NO. 1 (REGIONAL PASSPORT OFFICER) TO ISSUE/RENEW THE PASSPORT OF THE PETITIONER WITHOUT REQUIRING A 'NO OBJECTION CERTIFICATE' FROM THE APPROPRIATE COURT AND DIRECT RESPONDENT NO.1 TO RENEW THE PETITIONERS PASSPORT (FILE NO. BN2075680977725) BY PROCESSING APPLICATION VIDE ANNEXURE-C, FOR THE PERIOD OF 10 YEARS IN ACCORDANCE WITH THE PASSPORTS ACT, 1967.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Petitioner in the captioned petition is aggrieved by the inaction on the part of the respondent/authority in not considering the petitioner's application seeking renewal of passport.

2. Heard learned counsel for the petitioner and learned counsel appearing for the respondents. Perused the records.



3. The short, yet significant, point that arises for consideration before this Court is:

"Whether the respondent-Passport Authority is justified in declining renewal/issuance of passport solely on the ground that the petitioner is facing pending criminal proceedings?"

4. The factual matrix, in brief, indicates that an FIR came to be registered against the petitioner in Crime No.0653/2024 for the alleged offence punishable under Section 3(1)(za)(E) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is the specific case of the petitioner that the very same proceedings are presently interdicted by virtue of an interim order of stay granted by this Court in Criminal Petition No.11460/2024. Thus, as on date, the criminal law set in motion against the petitioner stands eclipsed by judicial intervention.



5. This Court, in a catena of decisions interpreting the scope of Sections 6(2)(f) and 10 of the Passports Act, 1967, has consistently held that mere pendency of criminal proceedings, ipso facto, cannot constitute an absolute embargo for issuance or renewal of a passport. The statutory scheme does not envisage a blanket prohibition; rather, it confers a discretionary power on the authority to regulate such issuance depending upon the facts and circumstances of each case. In cases where criminal proceedings are pending, the authority may be justified in declining a regular passport of full validity; however, such pendency cannot foreclose consideration for issuance of a Short Validity Passport (SVP), particularly when adequate safeguards can be imposed.

6. In the case on hand, it is not in dispute that the FIR is still at the stage of investigation and, more importantly, the further proceedings pursuant thereto are stayed by this Court. The effect of such stay is that the coercive rigour of the criminal process remains in



abeyance. Coupled with this, the petitioner asserts that he is the Chief Executive Officer of a company and is required to undertake frequent international travel in discharge of his professional obligations. Denial of even a limited passport facility, in such circumstances, would amount to an unreasonable restriction on the petitioner's right to mobility and professional engagement.

7. Having regard to the totality of the circumstances, this Court is of the considered view that while the petitioner may not be entitled, as a matter of right, to a regular passport of full tenure, he certainly makes out a case for consideration of issuance of a Short Validity Passport, subject to such conditions as the respondent-authority may deem fit in accordance with law.

This Court answers the above point in the ***Negative***.



8. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The petitioner is reserved liberty to submit a fresh online application seeking issuance/renewal of passport limited to a Short Validity Passport (SVP).

(iii) Upon receipt of such application, respondent No.1 shall consider the same without insisting upon fresh police verification, and shall duly take into consideration the interim order of stay granted by this Court in Criminal Petition No.11460/2024, whereby further proceedings in Crime No.0653/2024 are stayed.

(iv) The respondent-authority shall thereafter process the petitioner's application expeditiously and in accordance with law, and if the petitioner is otherwise found eligible, shall issue a Short Validity Passport subject to such reasonable conditions as may be warranted.



(v) It is made clear that the grant of such Short Validity Passport shall be without prejudice to the rights of the prosecution in the pending criminal proceedings, if and when the stay is vacated.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 Sl No.: 57