



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 13161 OF 2026 (GM-PASS)

BETWEEN:

1. SRI NAGESH CHAKENAHALLI HUCHHEGOWDA
S/O. HUCHEGOWDA CHAKENAHALLI,
AGED ABOUT 46 YEARS,
HALAGEGOWDA,
R/AT SRI DURGAMBA HOUSE,
KUVEMPU ROAD,
OPP. CHRIST SCHOOL,
VIDYANAGAR, HASSAN - 573 202.

...PETITIONER

(BY SRI. SAMPATH A, ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,
NEW DELHI - 110 001.
REP. BY CENTRAL GOVERNMENT COUNSEL
2. REGIONAL PASSPORT OFFICER BENGALURU,
8TH BLOCK, 80 FT. ROAD,
KORAMANGALA,
BENGALURU - 560 095.

...RESPONDENTS

(BY SMT. RESHMA K THAMMAIAH, CGC)



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION PRAYING TO QUASH THE COMMUNICATION DATED 15-02-2024 BEARING NO.SCN/317072753/24 ISSUED BY THE RESPONDENT NO.2 VIDE ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed aggrieved by the endorsement dated 15.02.2024 bearing No.SCN/317072753/24 issued by respondent No.2 vide Annexure-A, wherein Authority has declined to issue a passport on the premises that petitioner is facing criminal proceedings.

2. Heard learned counsel appearing for the petitioner, learned counsel appearing for the Passport Authority and perused the records.

3. Though the petitioner is admittedly facing multiple criminal proceedings, a closer scrutiny of the record would indicate that the nature and status of such proceedings cannot be viewed in a mechanical or omnibus manner. It is borne out from the material on record that in one of the



cases, the petitioner has already secured an order of acquittal, thereby effacing any adverse presumption in respect of the said proceedings. Insofar as certain other cases are concerned, this Court, in exercise of its jurisdiction, has granted orders of stay, thereby keeping the criminal proceedings in abeyance. In yet another case, the petitioner has pleaded guilty and has discharged the liability by payment of fine, which has attained finality. Thus, the cumulative effect of the aforesaid developments would unmistakably demonstrate that the rigour ordinarily attached to pending criminal proceedings stands substantially diluted in the peculiar facts of the present case.

4. It is trite that mere pendency of criminal proceedings, in the absence of any conviction or subsisting adverse order, cannot be construed as an absolute embargo for consideration of an application for issuance of a passport. This Court has consistently held that when the competent criminal Court or this Court has stayed further



proceedings, the legal effect of such stay is that the proceedings are rendered dormant and are kept in a state of suspension. In the present case, the material placed on record would reveal that in as many as three criminal cases, proceedings are stayed by this Court, and in one case, the petitioner has already pleaded guilty and paid the fine. Therefore, in the strict sense, only one criminal case, namely S.C. No.218/2017 under the Explosive Substances Act, 1908 remains pending consideration without any protective interim order.

5. In that view of the matter, this Court is of the considered opinion that though the respondent-Passport Authority was justified, to a limited extent, in declining the issuance of a regular passport having regard to the pendency of criminal proceedings, the same cannot be stretched to deny the petitioner even a restricted travel document. Having regard to the settled position of law and the peculiar factual matrix, the petitioner would be entitled to the issuance of a Short Validity Passport, subject to



appropriate safeguards, so as to balance the right to travel with the interests of administration of criminal justice.

6. For the foregoing reasons and in the light of the discussion made hereinabove, this Court proceeds to pass the following:

ORDER

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

(ii) The endorsement/communication dated 15.02.2024 bearing No.SCN/317072753 /24 issued by respondent No.2, as per Annexure-A, is hereby quashed.

(iii) The petitioner is reserved liberty to submit a fresh application, through online mode, seeking issuance of a Short Validity Passport.

(iv) On receipt of such application, respondent No.2 shall consider the same expeditiously, without insisting upon fresh police verification, and shall duly take into consideration the interim orders granted by this



Court in Criminal Petition Nos.25671/2025 and 13192/2025.

(v) Respondent No.2 shall thereafter process the application in accordance with law and, if the petitioner is otherwise eligible, proceed to issue a Short Validity Passport.

(vi) It is made clear that in the event the petitioner intends to travel abroad upon issuance of the Short Validity Passport, he shall obtain prior permission from the concerned jurisdictional Court by furnishing complete travel particulars in respect of the case which is pending trial and not covered by any interim order.

(vii) Ordered accordingly.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE