



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 16446 OF 2026 (GM-PASS)

BETWEEN:

MR. NIHAL SAMUEL
SON OF PREMAKA,
AGED ABOUT 49 YEARS,
R/AT NO.64, 4TH B BLOCK,
7TH A CROSS, KORAMANGALA,
BANGALORE - 560 034

...PETITIONER

(BY SRI. KIRAN R., ADVOCATE)

AND:

REGIONAL PASSPORT OFFICE
REPRESENTED BY THE
REGIONAL PASSPORT OFFICER,
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA
BANGALORE - 560 095

...RESPONDENT

(BY SRI. RESHMA K. THIMMAIAH, CGC)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO A) QUASH THE LETTER DATED 24/04/2026 BEARING REF.NO.OBJ/1054725593/26 ISSUED BY THE RESPONDENT TO THE PETITIONER AT ANNEX-A. B) DIRECTING THE RESPONDENT TO CONSIDER THE PASSPORT APPLICATION NUMBER - BN 1076682454826 BY THE PETITIONER AND RENEW THE PASSPORT OF THE PETITIONER AT ANNEX-C.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Smt. Reshma K.T., learned counsel who has filed Vakalath before issuance of notice, accepts notice for respondent.
2. The petitioner is before this Court seeking for the following reliefs:

"a. Issue a Writ of Certiorari or any other appropriate Writ or order in the nature of Writ quashing the Letter dated 24.04.2026 bearing Ref No.OBJ/1054725593/26 issued by the Respondent to the Petitioner at Annexure A

;

b. Issue a Writ of Mandamus or any other appropriate Writ or order in the nature of Writ directing the Respondent to consider the Passport Application Number - BN1076682454826 by the Petitioner and renew the passport of the Petitioner at Annexure-C."

3. The petitioner having applied for renewal of his passport, the same was not considered by the respondents favorably and a letter dated 24.04.2026 had been issued stating that there is a criminal proceedings pending



against the petitioner in C.C.No.1917/2017 and as such without proof of clearance of case or travel permission from the concerned Court, the application cannot be processed. It is in that background that the petitioner is before this Court seeking for the aforesaid reliefs.

4. It is not in dispute that a criminal case in C.C.No.1917/2017 has been filed and pending before the 39th A.C.J.M., Court, Bengaluru for the offences punishable under Sections 323, 506 and 524 of the IPC. What however is required to be seen is that the maximum punishment for the said offences not to exceed two years.
5. Though there is a criminal proceeding which is pending against the petitioner, the pendency of the criminal proceeding cannot be a ground to deprive the petitioner to exercise his right to travel, which is fundamental right under Article 21 of the Constitution of India. The respondents could not have rightly rejected the consideration of the application. Of course, the



respondents could have imposed a condition to obtain travel permission from the concerned Court.

6. In that view of the matter, this Court is of the considered opinion that the nature of offences alleged against the petitioner, a short validity passport directed to be issued to the petitioner. The interest of the State would be protected by directing the petitioner to obtain permission from the concerned Court and furnish it to the passport Authority before processing the application for renewal of passport. Hence, this Court pass the following:

ORDER

- i) The writ petition is partly ***allowed***.
- ii) A certiorari is issued, the letter dated 24.04.2026 at Annexure-A is quashed.
- iii) The respondents are directed to consider the petitioner's application for renewal of the passport and process it upon the petitioner furnishing the travel permission issued by the Court seized of C.C.No.1917/2017 and issue a



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short validity passport within a period of
thirty(30) days from the date of such
permission being placed on record by the
petitioner.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

PHM
List No.: 1 Sl No.: 7