



CNR: KAHC010490252026

NC: 2026:KHC:38131
WP No. 22219 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO.22219 OF 2026 (GM-PASS)

BETWEEN:

SRI.JANARDHANA PRAKASH,
S/O. PRAKASH,
AGED ABOUT 40 YEARS,
R/A. KODIHALLI VILLAGE,
JADIGENAHALLI HOBLI,
HOSAKOTE TALUK,
BENGALURU - 562 114.

...PETITIONER

(BY SMT.YUKTHA YAJAMAN, ADVOCATE FOR
SRI. SUBBA REDDY K.N., ADVOCATE)

AND:

1. THE UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
REGIONAL PASSPORT OFFICE,
BENGALURU.
REPRESENTED BY ITS
REGIONAL PASSPORT OFFICER,
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA,
BANGALORE - 560 095.
2. THE PASSPORT AUTHORITY OF INDIA,
REPRESENTED BY ITS-
REGIONAL PASSPORT OFFICER,
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA,
BANGALORE - 560 095.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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3. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
VIDHAN SOUDHA,
AMBEDKAR VEEDI,
BANGALORE - 560 001.

...RESPONDENTS

(BY SMT.RESHMA THAMMAIAH, ASG FOR R1 AND R2;
SRI.MOHAMMED JAFAR SHAH, AGA FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT IN THE NATURE OF CERTIORARI OR DIRECTION, QUASHING THE IMPUGNED NOTICE DATED 04.09.2025 BEARING REFERENCE NO.OBJ/1050002381/25 ISSUED UNDER FILE NO. BN2074996192025 BY RESPONDENT NO. I 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 SURAJ GOVINDARAJ

ORAL ORDER

1. Smt. Reshma Thammaiah, learned ASG is directed to take notice for respondent Nos.1 and 2.
2. Learned AGA is directed to take notice for respondent No.3.
3. The petitioner is before this Court seeking for the following reliefs:



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"WHEREFORE, the Petitioner humbly prays that this Hon'ble Court may be pleased to;

a) Issue a Writ in the nature of Certiorari or direction, quashing the impugned Notice dated 04.09.2025 bearing Reference No. OBJ/1050002381/25 issued under File No. BN2074996192025 by Respondent No.1 vide Annexure-A;

b) Issue a Writ in the nature of Mandamus or direction, directing the Respondents to renew/reissue the Petitioner's Passport bearing Passport No.Y5620245 by considering the Petitioner's application dated 02.05.2025 vide Annexure – C;

c) Issue any other order and grant such other and further reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice"

4. The petitioner having made an application for renewal of the passport on its expiry, the said application was not processed on account of three criminal proceedings pending against the petitioner in Crime No.75/2018 now pending in Special Case No.387/2018; Crime No.112/2022 now pending in Special Case No.221/2024 and Crime No.29/2019 now pending at CC.No.586/2020. It is in that



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background, the petitioner is before this Court seeking for the aforesaid reliefs.

5. The submission of learned counsel for the petitioner is that insofar as proceedings in Special Case No.387/2018 is concerned, an application had been made under Section 6(2)(f) of the Passport Act, 1957 and the trial Court has directed the respondents to issue the passport. Insofar as Crime No.112/2022 now pending in SC.No.221/2024 is concerned, the same has been stayed by this Court vide order dated 21.04.2026 in CrI.P.No.15605/2025 and as such, the petitioner is unable to obtain permission to travel abroad in that matter. Insofar as CC.No.586/2020 is concerned, the petitioner has been dropped from the charge sheet and as such, those proceedings ought not to come in the way of grant of renewal of the passport.



6. The learned counsel for the petitioner submitted that apart from the criminal proceedings, which had been mentioned in the impugned notice dated 04.09.2025, there are two other proceedings in Crime No.104/2023, wherein this Court has stayed the said proceedings in WP.No.14115/2023 on 06.07.2023 and as such, the petitioner is unable to obtain permission to travel abroad in the said proceedings.
7. Another complaint in Crime No.47/2024 now pending in Spl.C.No.27/2025 is also stayed by this Court in WP.No.23405/2025 on 24.03.2026. As such, in this matter also, the petitioner is unable to obtain permission from the said Court.
8. As held by the Hon'ble Apex Court in the case of ***Mahesh Kumar Agarwal Vs. Union of India*** reported in ***(2025 INSC 1476)***, the right to travel being a fundamental right, the reissuance/renewal of the passport cannot be withheld on the basis of



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pendency of criminal proceedings. Travelling abroad can only be on the basis of permission granted by the concerned Court seized of the concerned criminal proceedings.

9. In the present matter, though, there were five criminal proceedings against the petitioner, in one of them, in the charge sheet, the proceedings have been dropped against the petitioner. In the second of them, permission has been granted by the trial Court for issuance of a passport. In the other three, this Court has stayed the further proceedings.
10. In that view of the matter, though, there is a stay granted by this Court, the permission to travel being an incidental proceeding and not the proceedings in furtherance of the criminal proceedings, I am of the considered opinion that, if an application is filed by the petitioner, the concerned Court would be entitled



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to consider the said application and pass necessary orders.

11. If the said Courts which are seized of the criminal proceedings were to permit the petitioner to travel abroad, the petitioner would be entitled to travel abroad. Insofar as the reissuance of the passport is concerned, the respondents are directed to issue a short validity passport within a period of 30 days from the date of receipt of copy of this order.
12. It is needless to say that the travelling abroad would always be dependent on the petitioner obtaining permission to travel out of the jurisdiction of the said Court from the seized of the matter.
13. As such, this Court passes the following

ORDER

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



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- (ii) A certiorari is issued, the notice dated 04.09.2025 bearing Ref.No.OBJ/1050002381/25 ISSUED UNDER File No.BN2074996192025 issued by respondent No.1 at Annexure-A is quashed.
- (iii) Respondent No.2 is directed to renew/reissue the petitioner's passport in terms of the above directions by issuing a short validity passport within a period of 30 days from the date of receipt of copy of this order.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

PB
List No.: 1 Sl No.: 16