IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9450 OF 2026 (GM-RES)

BETWEEN:

1. DR. CHETHAN NARAYANA
S/O NARAYANA GANIGA,
AGED ABOUT 42 YEARS,
RESIDING AT 2-83,
KRISHNA GANIGAS HOUSE,
NAVUNDA KUNDAPURA, UDUPI,
KARNATAKA - 576 224.

2. RAKSHA THONSE
W/O DR. CHETHAN NARAYANA,
AGED ABOUT 37 YEARS,
R/AT- 107, 7TH CROSS,
30TH MAIN, KG MEDICAL COLLEGE,
BSK 3RD STAGE, BENGALURU SOUTH,
KARNATAKA - 560 085.

...PETITIONERS

(BY SRI. RAJATH, ADVOCATE)

Digitally signed by NAGARAJA B M
Location: HIGH COURT OF KARNATAKA

AND:

1. UNION OF INDIA
BY MINISTRY OF HOME AFFAIRS, J
AI SINGH MARG, HANUMAN ROAD AREA
CONNAUGHT PLACE, NEW DELHI - 110 001,
REPRESENTED BY ITS HOME SECRETARY.

2. BUREAU OF IMMIGRATION,
MINISTRY OF HOME AFFAIRS,
5TH FLOOR, 'A' BLOCK, TTMC,
BMTC BUS-STAND BLDG., K.H. ROAD,
SHANTHINAGAR, BENGALURU - 560 027
REPRESENTED BY ITS SECRETARY.

3. STATE OF KARNATAKA
BY BASAVESHWAR NAGAR PS,
BY THE STATION HOUSE OFFICER,
REP BY THE OFFICE OF THE STATE PUBLIC
PROSECUTOR, HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI, BENGALURU - 560 001.

4. REGIONAL PASSPORT OFFICE
BENGALURU,
MINISTRY OF ETERNAL AFFAIRS
8TH BLOCK, 80FT ROAD,
KORAMANGALA,
BENGALURU - 560 095

…RESPONDENTS

(BY SRI. SHANTHI BHUSHAN H, DSGI FOR R1, R2 AND R4;
SRI. ADITYA DIWAKAR, AGA FOR R3;
SRI. AJITH A. SHETTY, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR RECORDS B) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE REPRESENTATION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is instituted seeking a writ in the nature of mandamus directing respondent No.3/Investigating Agency to consider the representation submitted by the petitioners and further to issue appropriate directions to respondent No.4 to recall the Look Out Circular (for short, 'LOC') issued at its instance.

2. The facts, in brief, as borne out from the pleadings, indicate that petitioner No.1 is a qualified medical professional presently serving as a Senior Resident in the Non-Invasive Cardiology Unit under the Bahrain Defence Force in the Kingdom of Bahrain. Petitioner No.2 is the wife of petitioner No.1 and is residing along with him abroad. It is the case of the petitioners that pursuant to the registration of Crime No.37/2025 by respondent No.3 for the offences punishable under Sections 316(2), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS, 2023") and Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019, based on a

complaint lodged by one Mr. Vivek Hegde, a LOC came to be issued against the petitioners.

3. The petitioners would further contend that immediately upon registration of the crime, petitioner No.1 approached the competent Court and has secured anticipatory bail and is presently enlarged on regular bail pursuant to the order passed while disposing of his application under Section 483 of BNSS, 2023. It is their specific grievance that the subsistence of the LOC is seriously prejudicing the employment of petitioner No.1, who has been directed by his employer to immediately report to duty, particularly in the backdrop of the prevailing geopolitical situation in the region where he is employed.

4. Per contra, the learned counsel appearing for the impleading applicant/complainant would vehemently oppose the petition and place reliance on the judgment rendered by this Court in Criminal Petition No.2991/2025 connected with Criminal Petition No.5197/2025, wherein similar relief sought by the petitioners came to be rejected, which order is stated to have been affirmed by the Hon'ble Apex Court. Reliance is also placed on the guidelines laid down by the Delhi High Court

governing the scope of judicial review in matters relating to issuance and recall of LOCs.

5. The learned Deputy Solicitor General appearing for respondent No.4 would submit that the issuance of the LOC is justified having regard to the fact that a cognizable offence is registered against the petitioners and the investigation is still in progress. He would contend that no indulgence is warranted in exercise of writ jurisdiction.

6. The learned counsel appearing for respondent No.3-Investigating Agency would submit that the presence of petitioner No.1 is indispensable for the purpose of effective investigation and that certain crucial incriminating materials are yet to be secured through him. It is therefore contended that if the LOC is recalled at this stage, the same would seriously hamper the ongoing investigation.

7. This Court has given its anxious consideration to the rival submissions and perused the material on record. It is not in dispute that Crime No.37/2025 is registered for the offences alleged against the petitioners and that the investigation is still

at a nascent stage. At the same time, it is also forthcoming from the record that the petitioners, pursuant to issuance of the LOC, have returned to India and have remained within the jurisdiction for a period of about four months and have extended cooperation to the Investigating Agency.

8. Be that as it may, the petitioners are presently arrayed as accused in a pending investigation. The complaint itself is of the year 2025. While the apprehension of the Investigating Agency that the petitioners may evade the process of law cannot be lightly brushed aside, this Court cannot also remain oblivious to the fact that petitioner No.1 is gainfully employed as a medical professional in a foreign jurisdiction and his right to livelihood stands seriously impaired on account of the subsisting LOC.

9. It is also relevant to note that no charge sheet is filed as on date. In the absence of culmination of investigation by filing of a final report, continuation of the LOC for an indefinite period would result in disproportionate prejudice to petitioner No.1, particularly when he is stated to be residing abroad along with his family, including his wife and minor children.

10. The records further disclose that the petitioners are holders of valid passports subsisting till the year 2029. Therefore, this Court is of the considered view that a balance has to be struck between the competing interests, namely, the right of the petitioners to pursue their employment and the right of the Investigating Agency to secure their presence during the course of investigation and trial.

11. In order to strike such a balance and to adequately safeguard the apprehension expressed by the Investigating Agency as well as the complainant, this Court deems it appropriate to direct the petitioners to surrender their existing passports and seek issuance of a short-validity passport. Such a course would ensure that the petitioners are not permanently disabled from pursuing their employment while at the same time providing sufficient safeguards to ensure their availability to the Investigating Agency and the jurisdictional Court.

12. In that view of the matter, balancing the equities and safeguarding the interests of all stakeholders, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed in part***;

(ii) The Look Out Circular (LOC) issued by respondent No.4 against the petitioners shall stand recalled, subject to the petitioners surrendering their existing regular passports and submitting an online application seeking issuance of a short-validity passport for a period of one year;

(iii) Upon such surrender and application, respondent No.4 shall forthwith consider and issue a short-validity passport to the petitioners for a period of one year, in accordance with law;

(iv) Upon issuance of the short-validity passport, the petitioners shall obtain necessary permission/NOC from the jurisdictional Court by furnishing complete particulars of the employment of petitioner No.1;

(v) The petitioners shall file an undertaking before the jurisdictional Court as well as the Investigating

Agency that they shall appear as and when required, either by the Investigating Officer during the course of investigation or by the Court in the event of filing of the final report;

(vi) In the event the petitioners fail to comply with any summons or notice issued by the Investigating Agency or the jurisdictional Court, it is open to respondent No.4 to initiate appropriate coercive steps, including revival of LOC, strictly in accordance with law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 3