



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. 2974 OF 2026 (GM-PASS)

BETWEEN:

SRI. M.S.N BABU
S/O LATE M.D. SANNADODDAIAH
AGED ABOUT 49 YEARS
WORKING AS CONTROLLER,
DEPARTMENT OF LEGAL METROLOGY
ALI ASKAR ROAD, NEAR RAJ BHAVAN
VASANATH NAGAR, BANGALORE - 560 001
RESIDING AT HOUSE NO.177, 42ND CROSS
4TH BLOCK, JAYANAGARA
BANGALORE - 560 041.

...PETITIONER

(BY SRI. SATISH K, ADVOCATE)

AND:

1. THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY
MINISTRY OF EXTERNAL AFFAIRS
SOUTH BLOCK, NEW DELHI - 110 001.
2. THE STATE OF KARNATAKA
DEPARTMENT OF PERSONNEL
AND ADMINISTRATIVE REFORMS
REPRESENTED BY PRINCIPAL SECRETARY
VIDHANA SOUDHA, BANGALORE - 560 001.





3. REGIONAL PASSPORT OFFICE
REPRESENTED BY REGIONAL PASSPORT OFFICER,
8TH BLOCK, 80 FEET ROAD
KOARMANAGALA, BANGALORE - 560 095.

...RESPONDENTS

(BY SMT. RESHMA K. THAMMAIAH, CGC, ADVOCATE FOR R1
AND R3;
SMT. NAVYA SHEKAR, AGA FOR R2)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
FROM THE RESPONDENT NO. 2 IN RESPECT OF THE IMPUGNED
LETTER DATED 07/01/2026 (ANNEXURE-K) 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 petition is filed seeking the following
reliefs:

*a) CALL for records from the Respondent No.2 in respect
of the impugned letter dated 07.01.2026 (ANNEXURE-K);*

*b) SSUE WRIT OR ORDER quashing the impugned letter
dated 07.01.2026 bearing No.SiAaaSuE 105 KAaaHo 2021
issued by Respondent No.2 (ANNEXURE-K) AND
CONSEQUENTLY DIRECT the Respondent No.2 to issue No
Objection Certificate for the purpose of obtaining Passport*



from the Respondent No.3 and DIRECT the Respondent No.1 and 3 to issue Passport in favour of the Petitioner, forthwith, at any rate within a period of 15 days, in the interest of justice and equity.

c) PASS any such other Order, which this Hon'ble Court deems fit, including the cost of the Writ Petition, in the interest of justice and equity."

2. Heard learned counsel appearing for the petitioner, learned counsel appearing for respondents No.1 and 3 and learned AGA appearing for respondent No.2.

3. The facts leading to the case are as under:

The petitioner, who initially entered service as a Tahasildar by way of direct recruitment on 13.01.2006, has, over the course of his service career, earned promotion to the post of Assistant Commissioner. At present, the petitioner is embroiled in two criminal proceedings registered against him, namely, Crime No.31/2020 for the offences punishable under Sections 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as "the Act") and Crime No.8/2022 for the offences punishable under Sections 13(1)(c) and 13(1)(d) read with Section 13(2) of the Act, as



also Section 13(1)(a) read with Section 13(2) of the Act. These proceedings, though pending on the file of the jurisdictional court, are presently not being proceeded with in view of the interim orders passed by this Court.

4. It is not in dispute that the petitioner has assailed the initiation and continuation of the aforesaid criminal proceedings by invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, and this Court, upon consideration of the prima facie grounds urged, has been pleased to grant an order of stay of further proceedings in both the aforesaid crimes, as evidenced at Annexures-C and G. In the interregnum, the petitioner, being desirous of travelling abroad, submitted an application seeking issuance of a No Objection Certificate (NOC) from the second respondent-Department. However, the said request has been declined by issuance of an endorsement as per Annexure-K, wherein the sole ground assigned for rejection is the pendency of the aforesaid criminal cases.

5. The grievance of the petitioner is that the impugned endorsement issued by the second respondent is manifestly



arbitrary and unsustainable in law, inasmuch as the authority has failed to take into consideration the material fact that further proceedings in both the criminal cases have been stayed by this Court. It is the specific contention of the petitioner that mere registration of an FIR, particularly when the proceedings emanating therefrom are interdicted by a judicial order, cannot constitute a valid or lawful ground to deny issuance of a No Objection Certificate, thereby indirectly curtailing the petitioner's right to travel abroad.

6. This Court finds considerable force in the submission advanced on behalf of the petitioner. The right to travel abroad is no longer *res integra* and stands recognized as an integral facet of the right to personal liberty guaranteed under Article 21 of the Constitution of India. Any restriction imposed on such a right must not only have the sanction of law but must also satisfy the test of reasonableness. The action of the second respondent, in declining to grant NOC solely on the ground of pendency of criminal cases, without adverting to the fact that the proceedings have been stayed by this Court, reflects a mechanical exercise of power and non-application of mind.



7. It would be apposite, in this context, to refer to the judgment rendered by this Court in ***Sharath Chandrasekhar v. Union of India in W.P.No.18066/2023***, wherein this Court has categorically held that mere registration of an FIR cannot, by itself, be a ground to deny issuance of a passport or to restrict the right of an individual to travel abroad. This Court, in the said judgment, has elaborately considered the interplay between the statutory restrictions under the Passports Act, 1967 and the fundamental right under Article 21, and has laid down guiding principles governing such cases.

8. In light of the aforesaid legal position, this Court deems it appropriate to extract paragraphs 11 to 13 of the judgment rendered in W.P.No.18066/2023, which read as under:

11. In furtherance of the afore-quoted statutory provision, the Ministry of External Affairs had issued a notification in Notification No.GSR570(E) on 25.08.1993, as to what must be done in cases where there are pending cases before the criminal court, against the holder of a passport. This is further clarified by another Office Memorandum dated 10.10.2019, the relevant clause of which, reads as follows:



"(vi) In case where the secondary Police verification is also 'Adverse', it may be examined whether the details brought out in the police report match the undertaking submitted by the applicant. It may be noted that mere filing of FIRs and cases under investigation do not come under the purview of Section 6(2)(f) and that criminal proceedings would only be considered pending against an applicant if a case has been registered before any Court of law and the court has taken cognizance of the same."

(Emphasis supplied)

The clarification is rendered by the Ministry of External Affairs that mere filing of FIR and cases under investigation would not come under the purview Section 6(2)(f) of the Act and the criminal proceedings would only be considered when pending, and the concerned Court has taken cognizance of the offence, which would presuppose that the charge sheet has been filed by the Officer in-charge of a police station.

12. In the light of the aforesaid clarification, in cases where the proceedings are pending against the holders of the passports, when they seek renewal or re-issuance, it cannot be denied on the ground that the proceedings are pending against those holders of the passports only in cases, where the proceedings are at the stage of crime, and the concerned criminal Court has not taken cognizance of the offence. Any other proceeding pending invoking any other law, will not become an



impediment for the Passport Authorities for issuance/ re-issuance / renewal of passport. Therefore, it is expected of the Passport Authorities to act in accordance with the clarification as obtaining in the Office Memorandum dated 10.10.2019 and not deny re-issuance / renewal of passport to those passport holders against whom pending criminal cases are at the stage of investigation, and the concerned Court is not yet take cognizance, and not drive every passport holder to knock at the doors of this Court, for redressal of their grievance.

13. For the aforesaid reasons, the following:

ORDER

a. The writ petition is allowed.

b. Mandamus issues to the respondent to consider the application submitted by the petitioner seeking renewal / re-issuance of the passport within an outer limit of two weeks from today or if not earlier.

c. It is needless to observe that such consideration shall happen only in accordance with law.

Ordered accordingly."

9. On a careful reading of the findings recorded by the Co-ordinate Bench of this Court in the reported judgment in

Sharath Chandrasekhar v. Union of India



(W.P.No.18066/2023), this Court finds that the issue in regard to denial of passport facilities on account of pendency of criminal proceedings has been comprehensively examined. The Co-ordinate Bench, while advertent to the statutory scheme under the Passports Act, 1967, has also taken note of the notification and executive instructions issued by the Ministry of External Affairs governing such contingencies. Though the said case arose in the context of renewal of a passport, the principles enunciated therein have a direct bearing on the case on hand, inasmuch as the foundational issue pertains to the effect of pendency of criminal proceedings on the right of an individual to obtain passport facilities.

10. Particularly, the Official Memorandum dated 10.10.2019, which stands extracted in paragraph No.11 of the said judgment, assumes significant importance. The said memorandum lucidly clarifies the scope and ambit of Section 6(2)(f) of the Passports Act, 1967, and delineates the circumstances under which a criminal case can be said to be “pending” against an applicant. It is categorically stated therein that mere registration of an FIR or pendency of investigation



would not attract the rigour of Section 6(2)(f) of the Passport Act, 1967. The memorandum further clarifies that a criminal case can be construed as pending against an applicant only when proceedings are instituted before a competent court of law and cognizance has been taken by such court. This authoritative clarification issued by the Ministry of External Affairs, which has also been judicially noticed and relied upon by this Court, unequivocally dispels any ambiguity surrounding the issue.

11. In the case on hand, the petitioner stands on a much stronger footing. Not only are the criminal proceedings at a preliminary stage, but this Court, in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, has already granted an order of stay of further proceedings in both the crimes registered against the petitioner. Once the continuation of criminal proceedings themselves has been interdicted by a judicial order, the mere existence of FIRs cannot be put against the petitioner so as to deny him the benefit of issuance of No Objection Certificate or to indirectly curtail his right to travel abroad. The action of the



second respondent in issuing the impugned endorsement, without advertng to these crucial aspects, is therefore not only legally unsustainable but also suffers from patent non-application of mind.

12. This Court is of the considered view that the impugned endorsement issued by the second respondent, as per Annexure-K, runs contrary to the statutory mandate under the Passports Act, 1967, as well as the binding principles laid down by this Court in the aforesaid reported judgment. The rejection of the petitioner's request solely on the ground of registration of FIRs, in the teeth of a clear executive clarification and judicial pronouncement, cannot be countenanced in law. Such an approach would amount to imposing an unwarranted and disproportionate restriction on the petitioner's fundamental right under Article 21 of the Constitution of India.

13. In view of the aforesaid discussion and having regard to the law laid down by this Court in ***Sharath Chandrasekhar v. Union of India (W.P.No.18066/2023)***, this Court is of



the considered opinion that the petitioner has made out a case for interference.

ORDER

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

(ii) The impugned endorsement/letter dated 07.01.2026 issued by the second respondent, as per Annexure-K, is hereby quashed and set aside.

(iii) The petitioner is reserved liberty to submit an online application seeking issuance of a Short Validity Passport, in terms of the law laid down by this Court in ***Sharath Chandrasekhar v. Union of India (W.P.No.18066/2023)***.

(iv) In the event such an application is submitted, the third respondent shall consider the same strictly in the light of the principles enunciated in the aforesaid judgment and process the petitioner's application for issuance of a Short Validity Passport,



ordinarily for a period of one year, subject to such conditions as may be deemed appropriate.

(v) The second respondent is hereby directed to issue the requisite No Objection Certificate (NOC) to the petitioner forthwith, in accordance with law.

(vi) The third respondent shall consider and dispose of the petitioner's application, if filed, within an outer limit of four weeks from the date of receipt of such application.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE