



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 8505 OF 2026 (GM-PASS)

BETWEEN:

ANANTHASWAMY H C
AGED ABOUT 69 YEARS
S/O CHIKKAHONNEGOWDA,
R/O POORNAPRAJNA LAYOUT,
3RD MAIN, 5TH CROSS,
BANASHANKARI 3RD STAGE,
BANGALORE SOUTH-560085

...PETITIONER

(BY SRI. K PRASANNA SHETTY.,ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
SOUTH BLOCK, NEW DELHI-110001
2. PASSPORT AUTHORITY OF INDIA
REPRESENTED BY ITS CHIEF PASSPORT OFFICER,
PSP DIVISION,
MINISTRY OF EXTERNAL AFFAIRS,
ROOM NO. 8, PATIALA HOUSE,
TILAK MARG, NEW DELHI-110 001.
3. REGIONAL PASSPORT OFFICE
REPRESENTED BY
ITS REGIONAL PASSPORT OFFICER,
6TH BLOCK, 80 FEET ROAD, KORAMANGALA,





BENGALURU-560 095.

4. STATE OF KARNATAKA,
BY CHENNAMMANAKERE ACHUKATTU
POLICE STATION, BENGALURU - 560085.

REPRESENTED BY
THE STATE PUBLIC PROSECUTOR OF
HIGH COURT OF KARNATAKA AT
BENGALURU-560001

...RESPONDENTS

(BY SRI. MUKUND PRASAD.,CGPC FOR R1 TO R3;
SRI. ADITYA DIWAKAR, AGA FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
QUASH THE OBJECTION(S)/ENDORSEMENT BEARING NO.OBJ/
1053690629/26 DATED 10.02.2026 WITH REFERENCE TO
PASSPORT APPLICATION NO. BN1076267133926 ISSUED BY
RESPONDENT NO.1 (ANNEXURE-A).

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

Petitioner is aggrieved by the endorsement bearing
No.OBJ/1053690629/26 dated 10.02.2026 wherein
petitioner's application seeking renewal of the passport is
declined on the ground that criminal proceedings are
pending against the petitioner.



2. Heard the petitioner's counsel and learned Standing counsel appearing for the Union of India.

3. The petitioner is arrayed as Accused No.15 in C.C. No.3638/2019 pending on the file of the Principal Civil Judge (Junior Division) and JMFC, Tumakuru, for the offences punishable under Sections 192, 193, 209, 417, 419, 420, 463, 464, 465, 467, 468, 471 read with Section 34 of the IPC. It is not in dispute that this Court, in exercise of its jurisdiction under Section 482 of the Cr.P.C., has already stayed further proceedings in the aforesaid criminal case insofar as the present petitioner is concerned. Notwithstanding the subsistence of the said stay order, the respondents have proceeded to reject the petitioner's request for renewal of passport solely on the ground that the criminal proceedings are pending.

4. On a careful consideration of the material on record, this Court is of the view that once the proceedings in C.C. No.3638/2019, insofar as the petitioner is



concerned, are stayed by this Court, the mere pendency of the said criminal case cannot be put against the petitioner to deny renewal of passport. The right to travel abroad forms part of personal liberty under Article 21 of the Constitution of India and cannot be curtailed except in accordance with procedure established by law. Though the petitioner may not be entitled to issuance of a regular passport having long-term validity in view of the pendency of criminal proceedings, the respondents are not justified in rejecting the application in toto. At the same time, this Court is conscious of the need to safeguard the interest of the State and to ensure the presence of the petitioner during the course of trial, if and when required.

5. Having regard to the nature of allegations and the fact that the proceedings are presently stayed, this Court is of the considered opinion that the apprehension of the petitioner absconding or evading the process of law is not of such a magnitude as to warrant complete denial of passport. In the considered view of this Court, the ends of



justice would be met if the petitioner is granted a short validity passport, subject to appropriate safeguards, including requiring the petitioner to obtain necessary permission from the jurisdictional Court before undertaking any travel abroad.

6. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed.

(ii) The impugned endorsement bearing No. OBJ/1053690629/26 dated 10.02.2026 issued by the respondents is hereby quashed.

(iii) A writ in the nature of mandamus is issued directing respondent Nos.2 and 3 to consider the petitioner's application and issue a short validity passport in favour of the petitioner, within a period of



two (2) weeks from the date of receipt of a certified copy of this order.

(iv) It is made clear that the petitioner shall not travel abroad without obtaining prior permission from the jurisdictional Court seized of C.C. No.3638/2019, and any such travel shall be strictly subject to the conditions that may be imposed by the said Court.

(v) It is further clarified that violation of any such condition or misuse of liberty granted under this order would entail appropriate consequences in accordance with law.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 1 Sl No.: 62