



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.9803 OF 2026 (GM-PASS)

BETWEEN:

MR.SANJAY SAKARIA
S/O DALICHAND SAKARIA
AGED ABOUT 54 YEARS
NO.42, SERPENTINE ROAD
KUMARA PARK WEST
BENGALURU - 560020

...PETITIONER

(BY SRI.SANTOSH S GOGI, ADVOCATE)

AND:

1. UNION OF INDIA
THROUGH SECRETARY
MINISTRY OF EXTERNAL AFFAIRS
GOVERNMENT OF INDIA
SOUTH BLOCK
RAISINA HILL
NEW DELHI - 110 001
2. STATE OF KARNATAKA
THROUGH LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560001
3. THE REGIONAL PASSPORT OFFICER
BENGALURU, 8TH BLOCK





80TH FEET ROAD
KORAMANGALA
BENGALURU - 560 095

...RESPONDENTS

(BY SRI.S.RAJASHEKAR.,ADVOCATE FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT REF NO.OBJ/1052059148/25 DATED 04/11/2025 ISSUED BY REGIONAL PASSPORT OFFICE VIDE ANNEXURE-D 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 petitioner is aggrieved by the endorsement dated 04.11.2025 issued by the respondent Authority - Regional Passport Office, which has declined to renew the passport on the adversarial report submitted by the jurisdictional Police Officer indicating that the petitioner is facing criminal proceedings for the offence punishable under Section 498A of IPC.



2. Heard learned counsel appearing for the petitioner and learned counsel appearing for the respondents. Perused the records.

3. Having heard the learned counsel appearing for the petitioner and on perusal of the material placed on record, this Court finds that there is considerable force in the submission canvassed on behalf of the petitioner. It is not in dispute that the petitioner is facing criminal proceedings for the offence punishable under Section 498A of IPC. However, it is equally not in dispute that this Court, in Criminal Petition No.1660/2022, has granted an order of stay of further proceedings in the said criminal case.

4. In that view of the matter, the mere pendency of criminal proceedings cannot be put against the petitioner, particularly when the competent Court has already stayed further proceedings. The effect of such stay is that the proceedings are kept in abeyance and therefore, the



respondent No.3 – Authority was not justified in rejecting the request of the petitioner by issuing the impugned endorsement.

5. This Court is of the considered view that even in cases where criminal proceedings are pending, the Passport Authority is required to examine the request for issuance or renewal of passport in the light of applicable rules and executive instructions governing issuance of Short Validity Passports. The existence of a stay order passed by this Court ought to have been duly taken note of by the respondent No.3 while considering the petitioner's application.

6. In the present case, the impugned endorsement clearly reflects non-application of mind to the material fact that the criminal proceedings are stayed. Therefore, the endorsement issued by respondent No.3 cannot be sustained in law and is liable to be set-aside.



7. In that view of the matter, this Court proceeds to pass the following;

ORDER

(i) The writ petition is hereby allowed.

(ii) The endorsement dated 04.11.2025 issued by respondent No.3 – Regional Passport Office, vide Annexure-D, is hereby quashed.

(iii) The petitioner is reserved with liberty to submit a fresh application online seeking renewal of passport.

(iv) On receipt of such application, respondent No.3 shall consider the same without insisting upon fresh police verification and shall take into consideration the interim order of stay granted by this Court in Criminal Petition No.1660/2022, whereby further proceedings in C.C. No.5821/2020 are stayed.

(v) The respondent No.3 shall, thereafter, process the application in



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accordance with law and issue a Short
Validity Passport, if the petitioner is
otherwise eligible.

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