



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100269 OF 2023 (GM-PASS)

BETWEEN:

1. THE UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
R/BY PRINCIPAL SECRETARY,
SOUTH BLOCK, NEW DELHI-110001.
2. REGIONAL PASSPORT OFFICE,
BY ITS REGIONAL PASSPORT OFFICER,
8TH BLOCK 80 FEET ROAD, KORAMANGALA,
BENGALURU-560095.

...APPELLANTS

(BY SRI. VENKATESH M.KHARVI, DSGJ)

Digitally signed by
VIJAYALAKSHMI M
KANKUPPI

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRIMATI NASEEMA KHANUM W/O. M. ISMAIL,
AGE. 45 YEARS, OCC.
R/O. 687, 13TH WARD, UMER MANZIL
AHMED NAGAR KUDLIGI,
DIST. BALLARI-583135.
2. THE STATE OF KARNATAKA,
R/BY SHO KUDLIGI,
DIST. BALLARI-583101.

...RESPONDENTS

(BY SRI. S.H. MITTALKOD, ADVOCATE FOR R1;
SRI. SHARAD V.MAGADUM, ADDL. GOVT. ADVOCATE FOR R2)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO A) CALL FOR THE ENTIRE RECORDS IN W.P.NO.105735/2022 (L-PASS) ON THE FILE OF HON'BLE SINGLE JUDGE OF THIS HON'BLE COURT. B) SET ASIDE THE ORDER PASSED BY HON'BLE SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.105735/2022 (L-PASS) DATED 18/01/2023. C) GRANT SUCH OTHER RELIEF/S AS THIS HON'BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE.

THIS WRIT APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants have filed the present appeal impugning the order dated 18.01.2023 passed by the learned Single Judge of this Court in W.P. No. 105735 of 2022 (GM-PASS)
2. The present appeal arises from a communication dated 22.10.2021 issued by the Regional Passport Office, calling upon Respondent No.1 (writ petitioner) to furnish proof of clearance in respect of Crime No. 42 of 2020, registered under Section 307 of the IPC at Kudligi Police Station, which is stated to be pending trial. According to Respondent No.1, her application for issuance or



renewal of a passport could not be rejected solely on the ground of pendency of a criminal case. She was arrayed as Accused No. 2 in the said FIR. The said case is pending. Criminal Petition No. 101576 of 2021 is also pending before this Court. By an order dated 22.02.2022, further proceedings before the criminal court were stayed.

3. The learned Single Judge relied upon the decision of this Court in **Krishna Chiranjeevi Rao Palukuri Venkata v. Union of India and Others**¹, holding that the provisions of Section 6(2) of the Passports Act, 1967 (hereinafter, “**the Act**”) apply only in cases where the applicant seeks to travel outside India. On that basis, it was concluded that the restriction relating to pending criminal proceedings is linked to foreign travel and would not apply in other situations.

4. Section 6(2) of the Act is set out below:

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of Section 5 on any one or more of the following grounds, and on no other ground, namely:—

¹ W.P. No. 9141/2020, dated 01.10.2020



- (a) that the applicant is not a citizen of India;
- (b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India;
- (c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
- (d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
- (e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
- (f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
- (g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
- (h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
- (i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

5. A plain reading of Section 6(2) of the Act indicates that the passport authority is required to refuse issuance of a (i) passport; or (ii) travel document for visiting any foreign country on the grounds



specified therein. In terms of clause (f), a passport authority shall refuse to issue a passport if criminal proceedings in respect of an alleged offence are pending before a court in India.

6. It is undisputed that proceedings regarding the alleged offence are pending before the competent court. Thus, the case of Respondent No.1 clearly falls within the rigour of Section 6(2)(f) of the Act.

7. The reliance placed by the learned Single Judge on the decision in ***Krishna Chiranjeevi Rao***¹ is misplaced. Prima facie, the expression “for visiting any foreign country” has to be read as qualifying travel documents under Section 5(2)(c) of the Act. The said words cannot be read to limit the independent operation of each clause therein. Each clause of Sub-section (2) of Section 6 of the Act provides a distinct ground for refusal. For instance, under clause (a), refusal is warranted if the applicant is not a citizen of India. The same would be applicable irrespective of the purpose for which the passport is required. Similarly, clause (f), relating to pending criminal proceedings, operates independently and is not contingent upon the purpose for which the passport is required.



8. In any event, the present case does not involve a situation where the respondent seeks issuance of a passport for returning to India as was the case in ***Krishna Chiranjeevi Rao*** (*supra*).

9. Respondent No.1 also relied upon the decision of the Hon'ble Supreme Court in ***Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation***². In that case, the Supreme Court considered the applicability of Section 6(2)(e) of the Act, which relates to refusal on the ground of conviction for an offence that involves moral turpitude. The said provision is not applicable here, as Respondent No.1 has not been convicted.

10. The issue involved in the present case is also covered by the decision of a Coordinate Bench of this Court in ***Union of India v. Shashidhar and Another***³, wherein the scope of Section 6(2)(f) of the Act was examined.

11. The appellants have also drawn attention to the Office Memorandum dated 10.10.2019 issued by the Government of India, read with Notification GSR 570(E) dated 25.08.1993, issued under Section 22 of the Act. Section 22 of the Act empowers the Central

² (2021) 15 SCC 713.

³ NC:2025:KHC-D :16686-DB



Government to exempt any person or class of persons from the operation of the provisions of the Act in public interest.

12. In terms of the said Notification dated 25.08.1993, a passport may be issued to a citizen against whom criminal proceedings are pending, subject to the applicant obtaining appropriate permission from the court where such proceedings are pending.

13. Thus, Respondent No.1 is not precluded from applying for issuance or renewal of a passport after complying with the procedure prescribed under the said Office Memorandum.

14. The appeal is, accordingly, allowed, and the impugned order is set aside

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(GEETHA K.B.)
JUDGE**

VB
CT: UMD
List No.: 1 Sl No.: 24