



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200390 OF 2026 (GM-PP)

BETWEEN:

SRI SHARANAGOUDA
S/O NAGANAGOUDA KANDAKUR,
AGED ABOUT 43 YEARS,
OCC: SOCIAL SERVICE (MLA),
R/O H. NO.5/6/18/7,
NEAR NEW BUS STAND,
KHB COLONY, YADGIRI-585202.

...PETITIONER

(BY SRI GANESH NAIK, ADVOCATE)

AND:

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA

1. THE GOVERNMENT OF INDIA
THROUGH SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK,
NEW DELHI-110001.
2. THE REGIONAL PASSPORT OFFICE,
KHB COMPLEX, OPP. TOYATO SHOW ROOM,
RING ROAD, KALABURAGI-585105.
3. THE SECRETARY,
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF KARNATAKA,
VIKAS SOUDHA, BANGALORE-01.



4. THE SUPERINTENDENT OF POLICE,
S. P. OFFICE, CHITTAPUR ROAD,
YADGIRI-585201.
5. THE SUB INSPECTOR OF POLICE,
YADGIRI TOWN POLICE STATION,
YADGIRI-585201.
6. THE POLICE SUB INSPECTOR,
GURUMATKAL POLICE STATION,
TQ. GURUMATKAL, DIST. YADGIRI-585214.

...RESPONDENTS

(BY SRI SUDHIRSINGH R. VIJAPUR, DSGI FOR R1 & R2;
SRI VIRANAGOUDA M. BIRADAR, AGA FOR R3 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO

*[(A) CALL FOR THE RECORDS FROM THE 4TH
RESPONDENT AUTHORITY INCLUDING THE NAME OF THE
PETITIONER AS ROWDY SHEETER UNDER THE PURVIEW OF
ORDER NO.1059 OF KARNATAKA.] - Deleted vide order dated
04.02.2026.*

*(B) ISSUE A WRIT OF CERTIORARI TO QUASH THE
IMPUGNED REPORT DATED 24.01.2025 AS AT ANNEXURE-B
ISSUED BY THE 5TH RESPONDENT AUTHORITY REFUSING TO
RECOMMEND FOR ISSUANCE OF PASSPORT, [REFERRING TO
THE PENDENCY OF CRIMINAL PROCEEDINGS IN CRIME
NO.28/2017 CULMINATING IN C.C.NO.676/2018 AND THE
ALLEGED ROWDY SHEETER UNDER ORDER NO.1059 OF
KARNATAKA POLICE ACT AS AGAINST THE PETITIONER, AS
ILLEGAL.] - Deleted vide order dated 04.02.2026.*

*C) ISSUE A WRIT OF MANDAMUS DIRECTING THE
RESPONDENTS NO.4 TO 6 TO SUBMIT NECESSARY REPORT TO
THE 2ND RESPONDENT AUTHORITY FACILITATING FOR
ISSUANCE OF PASSPORT IN FAVOUR OF THE PETITIONER,*



WITHIN SUCH STIPULATED TIME AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioner, learned Additional Government Advocate, who accepts notice for respondent Nos.3 to 6 and learned Deputy Solicitor General of India, who accepts notice for respondent Nos.1 and 2.

2. Learned counsel for the petitioner files a memo seeking permission of this Court to delete the prayer (a) and a portion of prayer (b) of the petition with liberty to approach the Special Bench Constituted for MLA and MP and submits that prayer (c) to be considered. Liberty as sought for is granted. Learned counsel for the petitioner is permitted to amend the cause-title.

3. Learned counsel for the petitioner contends that the petitioner is the permanent resident of Yadgiri town,



presently elected as Member of Legislative Assembly, representing Gurumitkal constituency. He submitted an application to respondent No.2 authority seeking issuance of passport on 07.01.2025 with the application bearing No.BN7067283585925 by enclosing all necessary documents. Respondent No.4 directed respondent No.5 to furnish a report based on the application filed seeking issuance of passport and respondent No.5, jurisdictional police submitted a report stating that there is an FIR registered in Crime No.28/2017 for the offences punishable under Sections 143, 147, 341, 149 of IPC, culminating in C.C. No.676/2018, wherein the petitioner is arrayed as accused No.1. It is further stated in the report that a rowdy sheet has been opened against the petitioner with respondent No.5, jurisdictional police. Therefore, the recommendation made to reject the application based on the pending criminal proceedings. Aggrieved by the initiation of the criminal proceedings, the petitioner filed a Criminal Petition No.6752/2025, and upon consideration of



all contentions, the entire criminal proceedings came to be stayed vide order dated 06.06.2025.

4. Learned Deputy Solicitor General of India appearing for the Union of India and learned Additional Government Advocate appearing for the State contend that the present petition would not be maintainable, as it is for the petitioner to approach the jurisdictional Court, where the criminal case is pending, to seek permission from the said Court as per the provisions of Section 6(2)(f) of the Passports Act, 1967 (for short, 'the Act of 1967').

5. During the course of arguments, learned counsel for the petitioner submits that his prayer for consideration of the issuance of passport be taken into consideration, as he does not press the other reliefs sought in this petition. This Court in Writ Petition No.106204/2024 decided the matters pertaining to issuance of passport to a person, who is the accused in a criminal case pending before the Court.



6. I have heard the learned counsel for the petitioner, learned Deputy Solicitor General of India and learned Additional Government Advocate for the State.

7. Since the matter is restricted to non-issuance of the passport in favour of the petitioner, it would be relevant to extract the provisions of Section 6(2) of the Act of 1967:

"6. Refusal of passports, travel documents. etc.—

(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:—

- (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."*

8. The Ministry of External Affairs, Government of India has issued a circular and a procedure has been laid down for consideration of the applications of similar nature. The notification is issued in GSR- 570 (E) dated 25.08.1993 regarding issuance of passports to applicants who have criminal proceedings pending against them and whose applications would attract the provisions of clause (f) of sub-section (2) of Section 6 of the Act of 1967. It would be relevant to extract the said notification issued by the Ministry of External Affairs, which reads as under:

"Reference is invited to Notification No.GSR 570(E) dated 25.08.1993 regarding issuance of passports to applicants who have criminal proceedings pending against them and



whose applications would attract the provisions of clause(f) of sub-section (2) of Section 6 of the Passport Act,1967.

2. GSR 570(E) dated 25.8.1993 is reproduced below for reference:

GSR 570(E)- In exercise of the powers conferred by clause (a) of Section 22 of the Passports Act, 1967 (15 of 1967) and in supersession of the notification of the Government of India in the Ministry of External Affairs No. GSR 298(E) dated the April 1976, the Central Government, being of the opinion that it is necessary in public interest to do so, hereby exempts citizens of India against whom proceedings in respect of an offence alleged to have been committed by them are pending before a - criminal court in India and who produce orders from the court concerned permitting them to depart from India, from the operation of the provisions of Clause (f) of sub- section (2) of Section 6 of the said Act, subject to the following conditions, namely:-

(a) the passport to be issued to every such citizen shall be issued-

(i) for the period specified in order of the court referred to above. If the court specifies a period for which the passport has to be issued; or



(ii) if no period either for the issue of the passport or for the travel abroad is specified in such order, the passport shall be issued for a period of one year;

(iii) if such order gives permission to travel abroad for a period less than one year, but does not specify the period validity of the passport, the passport shall be issued for one year;

(iv) if such order gives permission to travel abroad for a period exceeding one year, and does not specify the validity of the passport, then the passport shall be issued for the period of travel abroad specified in the order.

(b) any passport issued in terms of (a)(ii) and (a) (iii) above can be further renewed for one year at a time, provided the applicant has not travelled abroad for the period sanctioned by the court; and provided further that, in the meantime, the order of the court is not cancelled or modified:

(c) any passport issued in terms of (a)(i) above can be further renewed only on the basis of a fresh court order specifying a further period of validity of the passport or specifying a period for travel abroad;

(d) the said citizen shall given an undertaking in writing to the passport issuing authority that he



shall, if required by the court concerned, appear before it at any time during the continuance in force of the passport so issued."

9. In the present case on hand, it is not in dispute that the petitioner is implicated in a criminal case. No doubt he has approached this Court and obtained stay of the further proceedings but the same has not been closed. In the meanwhile, he has been elected as a legislative representative of Gurmitkal constituency. In the meanwhile, he has applied for issuance of passport which is refused on the ground that a criminal case is registered against him and is pending. Under the circumstances, the petitioner is at liberty to approach the jurisdictional Court to file a necessary application to travel abroad and after filing such an application before the jurisdictional Magistrate before whom the criminal case is pending, the same can be considered, keeping in view the Section 6(2)(f) of the Act of 1967, so also the circular issued by the Ministry of External Affairs dated 25.08.1993 and pass suitable orders in accordance with law.



10. Hence, this Court proceeds to pass the following:

ORDER

- (a) The Writ Petition is allowed.
- (b) The petitioner is at liberty to approach the jurisdictional Magistrate and file necessary application seeking permission for issuance of passport.
- (c) The jurisdictional Magistrate shall deal with the matter strictly in accordance to the judgment rendered by this Court and also keeping in view the circular and dated 25.08.1993 and another notification 10.10.2019 for issuance of passport. The same shall be done in accordance with law.

Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RSP
LIST NO.: 1 SL NO.: 35
CT:SI