



RESEARCH QUESTION

"What happens during passport police verification in India, what can an applicant do about adverse reports or a show cause notice, how do pending criminal cases affect passport issuance under the Passports Act, 1967, and what have courts held?"

Scope of Passport Police Verification, Refusal under Section 6(2)(f) for Pending Criminal Cases, and Legal Remedies against Adverse Reports under the Passports Act, 1967

TL;DR

The right to travel abroad is a fundamental facet of personal liberty under Article 21 of the Constitution, and the High Court of Andhra Pradesh in *Thanneru Uma Maheswari v. Union of India* (2024) held that passport issuance or renewal cannot be denied solely due to a pending criminal case at the FIR or investigation stage. Under the Passports Act, 1967, a criminal proceeding is only deemed "pending" under Section 6(2)(f) once a court takes formal cognizance, leaving applicants free to challenge premature adverse police reports or show-cause notices. If actual court proceedings are pending, applicants may seek relief by applying to the trial court for travel permission or requesting a short-validity passport.

VERIFIED CASES	STATUTES	LATEST RULING
25	3	2025
24 High Courts · 1 SC		High Court of Karnataka

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I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 FIR registration does not equate to pending court proceedings

A passport can only be refused under Section 6(2)(f) if a criminal proceeding is pending before a court, which commences only after a court takes formal cognizance of an offence under Section 190 of the CrPC, and not at the mere investigation or FIR stage. This principle prevents applicants from being penalized by police delays or pending investigations, as illustrated in *S. Selvaraj v. The Government of India* (2023).

02 Adverse police verification reports are not binding on passport officers

While passport authorities are authorized to conduct inquiries, they are not subservient to police reports and must independently evaluate whether the report's facts trigger a statutory ground for refusal. This prevents arbitrary denials based on unsubstantiated police doubts regarding citizenship or character, as highlighted in *Savitri Sharma v. Union of India* (2024).

03 Incomplete police reports require standardization to prevent delay

Courts have addressed the systemic issue of police offices casually reporting "pending FIRs" without disclosing their actual status (such as charge sheets, convictions, or acquittals), directing the adoption of standardized proformas. This mechanism streamlines verification and avoids unnecessary litigation, as mandated in *Balwinder Singh v. Union of India* (2023).

04 Filing of a 'B' Report does not automatically evaporate statutory rigour

When police file a 'B' report (referring a case as undetected or mistake of fact), it does not automatically absolve the accused until the competent criminal court accepts it or the proceedings are formally quashed. Consequently, the passport authority can still scrutinize the pending status of the case, as observed in *Shri B.R. Swamynathan v. The Union of India* (2024).

05 Principles of natural justice govern passport impounding proceedings

The power to impound a passport under Section 10(3) is quasi-judicial, requiring a fair hearing under the *audi alteram partem* rule immediately after the order is passed to satisfy procedural fairness. This guarantees that applicants have a remedial opportunity to contest the impounding and seek its recall, as held in *Manish Kumar Mittal v. Chief Passport Officer & Anr* (2013).

06 Suppression of material facts cannot be claimed for un-cognized FIRs

An applicant cannot be penalized for suppressing material facts under Section 10(3)(b) if they fail to disclose a pending FIR, since there is no legal requirement to report an investigation that has not yet materialized into court proceedings. This protects passport holders from arbitrary demands to surrender their passports based on active investigations, as confirmed in *Jerry Robinson Gerold Joseph v. The Regional Passport Officer* (2023).

HOW THE COURTS HAVE APPLIED THIS

SUPREME COURT POSITION	The Apex Court in <i>Satwant Singh Sawhney v. D. Ramaratinam</i> (1967) established that the right to travel abroad is an essential part of 'personal liberty' under Article 21, meaning any executive discretion to refuse or withdraw passport facilities must be strictly governed by enacted law.
HIGH COURT VARIATIONS	High Courts across jurisdictions have consistently ruled that Regional Passport Officers must process renewal applications if the objection rests solely on an FIR under investigation, as illustrated in <i>Mohamed Ali v. The Regional Passport Officer</i> (2023).
RECENT EVOLUTION	Recent judgments highlight that while pending court proceedings under Section 6(2)(f) are a valid ground for refusing a standard passport, this bar is not absolute, and applicants can secure passports by obtaining travel permission from the concerned trial court, as clarified in <i>Safat Hussain v. Union of India</i> (2024).

UNSETTLED AREAS OR CAVEATS

Discretion in the absence of explicit statutory hearing provisions

While the Passports Act does not explicitly mandate a pre-impounding hearing, courts require that the principles of natural justice be read into the administrative process. However, some tension remains regarding whether an applicant must voluntarily surrender the passport before show-cause notices are adjudicated, as seen in *Albert Martin v. The Regional Passport Officer* (2014).

II. Statutory Provisions 3 PROVISIONS

SECTION 6, PASSPORTS ACT, 1967 — REFUSAL OF PASSPORTS, TRAVEL DOCUMENTS, ETC.

Provides the statutory grounds on which the passport authority must refuse to issue a passport, including cases where criminal proceedings are pending against the applicant in India.

"(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 if an order prohibiting the departure from India of the applicant has been made by any such court;" *Cited in: Thanneru Uma Maheswari v. Union of India, Lalit Kumar Modi v. Union of India, G. Vadivel Prasanth Gnanavel v. State of Tamil Nadu*

SECTION 5, PASSPORTS ACT, 1967 — APPLICATIONS FOR PASSPORTS, TRAVEL DOCUMENTS, ETC., AND ORDERS THEREON

Outlines the process for applying for a passport, including fees, and empowers the passport authority to conduct necessary inquiries before making an order.

"(2) On receipt of an application under this section, the passport authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Act, by order in writing, — (a) issue the passport or travel document with endorsement, or, as the case may be, make on the passport or travel document the endorsement;" *Cited in: Thanneru Uma Maheswari v. Union of India, Lalit Kumar Modi v. Union of India, G. Vadivel Prasanth Gnanavel v. State of Tamil Nadu*

SECTION 10, PASSPORTS ACT, 1967 — VARIATION, IMPOUNDING AND REVOCATION OF PASSPORTS AND TRAVEL DOCUMENTS

Empowers the passport authority to vary, impound, or revoke a passport under specific conditions, including when the holder has pending criminal cases or suppressed material facts.

"(3) The passport authority may impound or cause to be impounded or revoke a passport or travel document,— (a) if the passport authority is satisfied that the holder of the passport or travel document is in wrongful possession thereof; (b) if the passport or travel document was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the passport or travel document or any other person on his behalf; (c) if the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public; (d) if the holder of the passport or travel document has, at any time after the issue of the passport or travel document, 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; (e) if proceedings in respect of an offence alleged to have been committed by the holder of the passport or travel document are pending before a criminal court in India;" *Cited in: Thanneru Uma Maheswari v. Union of India*

III.

Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>S. Selvaraj v. The Government of India</i> HCMD010931812023	MADRAS HIGH COURT	2023	FIR pendency does not block passport issuance because court cognizance is not yet taken.
02	<i>Mohamed Ali v. The Regional Passport Officer</i> HCMD011070502023	MADRAS HIGH COURT	2023	Refusal to renew passport cannot be based solely on active police investigations or FIRs.
03	<i>Savitri Sharma v. Union of India</i> RJHC020132852024	HIGH COURT OF RAJASTHAN	2024	Passport officer must independently evaluate applicants and is not bound by adverse reports.
04	<i>Sathishkumar v. Regional Passport Officer</i> HCMD010854222023	MADRAS HIGH COURT	2023	Withholding passport is unjustified when criminal cases remain solely at the FIR stage.
05	<i>Balwinder Singh v. Union of India</i> PHHC010882872020	HIGH COURT OF PUNJAB AND HARYANA	2023	Standardized police verification proforma is required to prevent vague reporting of FIRs.
06	<i>Jerry Robinson Gerold Joseph v. The Regional Passport Officer</i> HCMD011089782023	MADRAS HIGH COURT	2023	An applicant is not required to disclose FIRs; thus, no suppression occurred.
07	<i>Shri B.R. Swamynathan v. The Union of India</i> KAHC010012802024	HIGH COURT OF KARNATAKA	2024	Filing of police 'B' report does not instantly evaporate the statutory criminal-case bar.
08	<i>Challa Naga Raju v. Union of India</i> APHC010533932023	HIGH COURT OF ANDHRA PRADESH	2023	Lack of charge-sheet or judicial cognizance means crime pendency cannot block renewal.
09	<i>Lalit Kumar Modi v. Union of India</i> DLHC010083052012	HIGH COURT OF DELHI	2013	Enforcement Directorate summons evasion was evaluated under passport impoundment and due process.
10	<i>Thanneru Uma Maheswari v. Union of India</i> APHC010218762024	HIGH COURT OF ANDHRA PRADESH	2024	Right to travel protected; FIR stage does not constitute pending court proceedings.
11	<i>Safat Hussain v. Union of India</i> UPHC020232192024	ALLAHABAD HIGH COURT	2024	Passport cannot be denied absolutely; applicant can seek trial court's travel permission.
12	<i>Haji Menu v. Union of India</i> RJHC010118680212	HIGH COURT OF RAJASTHAN	2014	Concluded criminal cases or closed history-sheets cannot justify withholding passport issuance.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	<i>Mallaiah Malavalli Basavaraju v. Union of India</i> KAHC010166852025	HIGH COURT OF KARNATAKA	2025	Disposed of petition by directing reply to show-cause notice regarding pending cases.
14	<i>Mohammad Abass Lone v. Union of India</i> JKHC010041072024	HIGH COURT OF JAMMU AND KASHMIR	2025	Retired employee's passport cannot be withheld due to incomplete investigation under FIRs.
15	<i>Rahul Jashnani v. Union of India</i> KAHC010273082025	HIGH COURT OF KARNATAKA	2025	Pending criminal proceedings do not serve as an automatic, absolute bar to renewal.
16	<i>G. Vadivel Prasanth Gnanavel v. State of Tamil Nadu</i> HCMD010635812017	MADRAS HIGH COURT	2017	Criminal proceedings pending under Section 6(2)(f) only commence after court takes cognizance.
17	<i>Albert Martin v. The Regional Passport Officer</i> HCMD010368202014	MADRAS HIGH COURT	2014	Mandates reasoned order and hearing for applicant responding to show-cause notices.
18	<i>Neethirajan v. The Regional Passport Officer</i> HCMD010712092023	MADRAS HIGH COURT	2023	Re-issuance cannot be refused because pending investigations do not constitute court proceedings.
19	<i>Satwant Singh Sawhney v. D. Ramaratnam</i> ESCR010002381967	SUPREME COURT OF INDIA	1967	Right to travel is a fundamental personal liberty; arbitrary passport refusal is unconstitutional.
20	<i>Vijay Kumar v. Union of India</i> RJHC020390202024	HIGH COURT OF RAJASTHAN	2024	Arbitrary to refuse passport over a decades-old acquitted case with destroyed records.
21	<i>Balamurugan S. v. The Regional Passport Officer</i> HCMD010842272023	MADRAS HIGH COURT	2023	Mandamus issued to process passport as pending FIR does not trigger Section 6(2)(f).
22	<i>Manish Kumar Mittal v. Chief Passport Officer & Anr</i> DLHC011108202013	HIGH COURT OF DELHI	2013	Setting aside impoundment as natural justice requires hearing post-impoundment at minimum.
23	<i>Arun Prasath v. The Passport Officer</i> HCMD0110672022	MADRAS HIGH COURT	2022	Minor offenses at FIR stage do not constitute pending criminal proceedings under Act.
24	<i>Anand Tewari v. Union of India</i> DLHC011211702013	HIGH COURT OF DELHI	2013	Original show-cause notices lacked detail, violating procedural fairness for impounding passport.
25	<i>Mulia Patra v. State of Odisha</i> ODHC010773992013	ORISSA HIGH COURT	2022	Natural justice principles of audi alteram partem apply to passport impoundment proceedings.

IV. Case Details 25 CASE FILES

01 S. Selvaraj v. The Government of India

MADRAS HIGH COURT • 2023-08-22 • WP(MD)/20357/2023

The petitioner filed a writ petition seeking a direction to the Passport Authority to process his passport application. The authorities had held the application in limbo due to the pendency of a First Information Report (FIR) registered against the petitioner in 2012. The court observed that the police had not filed a final report in the case for over a decade. Relying on settled legal principles, the court held that the mere pendency of an FIR, where a criminal court has not yet taken cognizance of the offence, does not constitute 'pending criminal proceedings' under the Passport Act. Consequently, the court directed the authorities to process and issue the passport within six weeks.

HELD The court decided that registration of an FIR on the police files based on a complaint cannot be construed as a proceeding pending before a criminal court. It held that only after a court takes cognizance of the alleged offence under Section 190 of the Cr.P.C. can it be considered pending. Therefore, the passport authority was not justified in delaying the passport application based on a pending FIR.

"Registration of an FIR on the police files, based on a complaint, cannot be construed as a proceedings pending before the Criminal Court."

MADRAS HIGH COURT • 2023

SOURCE HCMD010931812023

02 Mohamed Ali v. The Regional Passport Officer

MADRAS HIGH COURT • 2023-09-25 • WP(MD)/23297/2023

The petitioner sought a writ of mandamus to compel the Regional Passport Officer to renew his passport. The passport authority had withheld processing the renewal application due to the pendency of two criminal cases against the petitioner that were still at the investigation stage (FIR). Relying on the Passport Act, 1967, and judicial precedents, the court held that mere pendency of an FIR does not constitute 'proceedings pending before a criminal court' under Section 6(2)(f) of the Act. Criminal proceedings are only considered pending once a court has taken cognizance of the offence. Consequently, the court directed the passport authority to process the renewal application within six weeks.

HELD The court held that a criminal case in the FIR stage cannot be construed as pendency of a criminal case. Since the court had not taken cognizance of the offence under Section 190 of the Cr.P.C., the passport authority was directed to process the renewal application. The court confirmed that the applicant did not suppress any material fact by not declaring the FIR.

"unless cognizance is taken by the concerned Magistrate, it does not amount to pendency of the criminal proceedings."

MADRAS HIGH COURT • 2023

SOURCE HCMD011070502023

03 Savitri Sharma v. Union of India

HIGH COURT OF RAJASTHAN • 2024-11-14 • CW/2602/2024

The petitioner sought a court direction to the Regional Passport Office to renew her passport, which had been rejected following an adverse police verification report claiming her nationality was doubtful and potentially Nepali. The court found that the petitioner had provided substantial documentation proving her birth in India, her education, and her citizenship under the Citizenship Act, 1955.

HELD The court decided that the passport authority is entitled to seek police verification reports to decide on passport applications, but is not bound by an adverse report. It held that an adverse police verification report per se does not disentitle a citizen from their legal right to a passport. The authority must apply its mind to the facts in the report rather than mechanically refusing the passport.

“Adverse Police Verification report per se does not dis -entitle a citizen from his legal right to have a passport.”

HIGH COURT OF RAJASTHAN • 2024

SOURCE RJHC020132852024

04 Sathishkumar v. Regional Passport Officer

MADRAS HIGH COURT • 2023-08-01 • WP(MD)/18558/2023

The petitioner challenged a show cause notice issued by the Regional Passport Office, which sought an explanation regarding a pending criminal investigation against him as a condition for passport issuance. The court determined that the mere pendency of an FIR and an ongoing police investigation does not constitute 'proceedings pending before a Criminal Court' under Section 6(2)(f) of the Passport Act, 1967, as the court has not yet taken cognizance of the offence.

HELD The court ruled that the mere pendency of an FIR cannot be construed as the pendency of criminal proceedings in court. Only after cognizance is taken by the Magistrate under Section 190 of the Cr.P.C. does it transform into a pending court proceeding. As a result, the passport authority was directed to process and issue the passport.

“Only after the Court takes cognizance of the offence alleged to have been committed by the applicant, as stipulated under Section 190 of Cr.PC., it can be construed as 'proceedings pending before the Court'”

MADRAS HIGH COURT • 2023

SOURCE HCMD010854222023

05 Balwinder Singh v. Union of India

HIGH COURT OF PUNJAB AND HARYANA • 2023-09-13 • CWP/19314/2020

The petitioner sought directions for the re-issuance of his passport, which had been denied due to an adverse police verification report regarding a pending FIR. The court noted that the police often provide incomplete information regarding the status of criminal cases, causing unnecessary litigation. Disposing of the petition, the court granted the petitioner liberty to file a fresh application to be decided within six weeks. To address recurring delays and verification errors, the court mandated that all police officials within its jurisdiction adopt a standardized proforma for passport verification. This proforma requires the disclosure of the specific status of any FIR, such as whether a charge sheet has been filed or if proceedings are stayed, to ensure better transparency and compliance with legal requirements for passport issuance.

HELD The court ruled that Section 6(2)(f) is inapplicable to post-conviction or post-acquittal proceedings, which are instead governed by Section 6(2)(e). It mandated a standardized proforma to be filled out by police during passport verification, ensuring detailed disclosures of charge-sheets, stay orders, and sentence details to minimize delay and communication gaps.

"Clause (f) of Section 6(2) of Passport Act, 1967 is inapplicable to post conviction or post acquittal proceedings."

HIGH COURT OF PUNJAB AND HARYANA • 2023

SOURCE PHHC010882872020

06 Jerry Robinson Gerold Joseph v. The Regional Passport Officer

MADRAS HIGH COURT • 2023-09-27 • WP(MD)/23686/2023

The petitioner challenged an order directing him to surrender his passport following a police report regarding a pending criminal case against him. The Passport Office argued that the petitioner suppressed material facts about the ongoing investigation. The Court noted that the criminal case was still at the investigation stage, and no charge sheet had been filed or cognizance taken by a Magistrate. Relying on judicial precedents and Ministry of External Affairs circulars, the Court held that the mere pendency of an FIR does not constitute a criminal proceeding for the purposes of the Passport Act. Consequently, the court quashed the impounding order, ruling that the passport authority was not justified in taking action against the petitioner.

HELD The court decided that there is no necessity for an applicant to disclose the pendency of an FIR when applying for a passport because it does not constitute a "pending criminal proceeding." Since the case against the petitioner was only at the investigation stage with no charge sheet filed, the court quashed the impounding order which directed the petitioner to surrender his passport.

"Therefore, there is no necessity for the petitioner to inform the pendency of FIR at the time of applying for passport."

MADRAS HIGH COURT • 2023

SOURCE HCMD011089782023

07 Shri B.R. Swamynathan v. The Union of India

HIGH COURT OF KARNATAKA • 2024-01-17 • WP/687/2024

The petitioner challenged an endorsement issued by the Regional Passport Office refusing to grant a normal validity passport due to pending criminal proceedings. The court addressed the issue of whether the pendency of a criminal case serves as a bar to the issuance or renewal of a passport under the Passports Act, 1967.

HELD The court held that police filing a 'B' report does not instantly absolve the applicant of the crime under Section 6(2)(f). It ruled that the rigour of Section 6(2)(f) only evaporates when the applicant facing criminal proceedings is formally acquitted, discharged, or has the proceedings quashed by a competent court under Section 482 of the Cr.P.C.

“The rigour of Section 6(2)(f) of the Act gets evaporated only when the applicant who is facing criminal proceedings or a FIR is acquitted, discharged or the proceeding against the said applicant is quashed by a competent Court of law...”

HIGH COURT OF KARNATAKA • 2024

SOURCE KAHC010012802024

08 Challa Naga Raju v. Union of India

HIGH COURT OF ANDHRA PRADESH • 2023-10-20 • WP/27721/2023

The petitioner challenged the refusal of passport authorities to renew his passport, which had been denied due to a pending criminal case. The petitioner argued that as a charge sheet had not been filed, no criminal proceedings were technically pending in court under Section 6(2)(f) of the Passports Act, 1967. The High Court agreed, noting that established legal precedent dictates that the mere registration of an FIR does not constitute pendency of criminal proceedings before a court. Consequently, the court directed the authorities to process the passport renewal, provided all other requirements were met, ruling that the pendency of a crime alone is insufficient grounds for refusal.

HELD The court decided that mere registration of a crime does not amount to a pending criminal proceeding under Section 6(2)(f) unless a charge sheet is filed and cognizance is taken by the committal court. The passport authority was directed to renew the passport, ignoring the objection regarding the pending crime since a charge sheet had not yet been filed.

“unless charge sheet is filed and the same is taken cognizance of by the concerned committal Court, mere registration of a crime would not amount to pendency of criminal proceeding...”

HIGH COURT OF ANDHRA PRADESH • 2023

SOURCE APHC010533932023

09 Lalit Kumar Modi v. Union of India

HIGH COURT OF DELHI • 2013-01-16 • W.P.(C)/376/2012

The petitioner challenged orders passed by the Regional Passport Officer and Chief Passport Officer to impound his passport. The action was initiated following complaints by the Directorate of Enforcement regarding the petitioner's failure to comply with multiple summons issued under the Foreign Exchange Management Act (FEMA) in connection with alleged financial irregularities in IPL tournaments. Authorities argued the petitioner

was evading legal processes and that impounding his passport was necessary in the public interest and to ensure his participation in ongoing investigations.

HELD The court rejected the argument that passport proceedings should be divided into two halves (one deciding whether to initiate action and another determining consequences). It held that the Regional Passport Officer's power to impound or revoke a passport fell within the scope of show-cause notices issued due to the petitioner's failure to present himself in person in response to FEMA summons.

"The Passport Act does not contemplate a division of proceedings before the Passport authorities into two halves..."

HIGH COURT OF DELHI • 2013

SOURCE DLHC010083052012

10 Thanneru Uma Maheswari v. Union of India

HIGH COURT OF ANDHRA PRADESH • 2024-07-26 • WP/12031/2024

The petitioner filed a writ petition challenging the refusal of the passport authorities to renew her passport due to the pendency of a criminal case against her. The petitioner argued that the case was still at the FIR stage and did not warrant a refusal under the Passports Act, 1967. The court noted that the right to travel abroad is a fundamental right under Article 21 of the Constitution and that the mere pendency of an FIR should not automatically preclude passport renewal. Consequently, the court allowed the petition and directed the passport authorities to process the renewal application without relying on the pending criminal case, provided all other requirements were met.

HELD The court decided that the right to travel abroad represents a basic human right of great significance under Article 21. It held that the passport authority cannot refuse a passport renewal under Section 6 or 10 of the Passports Act when the underlying criminal case is still at the FIR stage, directing the authorities to process the application.

"holding a passport and freedom to go abroad has much social value and represents the basic human right of great significance."

HIGH COURT OF ANDHRA PRADESH • 2024

SOURCE APHC010218762024

11 Safat Hussain v. Union of India

ALLAHABAD HIGH COURT • 2024-05-24 • /3119/2024

The petitioner sought a mandate to renew his expired passport, which the Regional Passport Office refused due to pending criminal cases against him. The court clarified that because the petitioner's passport had expired, his application constituted a request for a fresh passport rather than a renewal. Under the Passport Act, the issuance of a fresh passport can be denied if criminal proceedings are pending against the applicant.

HELD The court considered the petitioner's argument that Section 6 grounds for refusal apply strictly to fresh passports and not to renewal applications. It noted that registration of a Non-Cognizable Report (NCR) without a competent magistrate's order to investigate cannot be treated as a pending criminal proceeding under the Act.

“registration of only NCR without any orders of any competent Trial Court/ Magistrate for the Police to register F.I.R. and investigate shall not be treated as criminal proceedings to be pending against the accused.”

ALLAHABAD HIGH COURT • 2024

SOURCE UPHC020232192024

12 Haji Menu v. Union of India

HIGH COURT OF RAJASTHAN • 2014-02-07 • CW/210/2012

The petitioner sought a direction to the passport authority to issue his passport, which had been pending since his application in 2006. The authorities refused to process the application based on adverse police reports and the petitioner's history as a 'history-sheeter' in Rajasthan. The petitioner argued that these grounds were invalid, noting that the criminal cases against him had concluded years prior and that the High Court had recently ordered the closure of his history-sheet.

HELD The court decided that passport applications can only be refused under the specific contingencies listed in Section 6(2) of the Passports Act, 1967. It ruled that vague references to an applicant's "blameworthy character" or historical records (like closed history-sheets) cannot serve as a legally convincing basis to deny a passport when no statutory grounds are met.

“There is apparently no reason for the second respondent to sit tight over the matter or to decline issuance of passport to the petitioner on the strength of available materials.”

HIGH COURT OF RAJASTHAN • 2014

SOURCE RJHC010118682012

13 Mallaiah Malavalli Basavaraju v. Union of India

HIGH COURT OF KARNATAKA • 2025-03-25 • WP/8431/2025

The petitioner challenged a show-cause notice issued by the Regional Passport Office regarding the potential withdrawal of his passport. The passport authorities initiated this action after discovering during police verification that the petitioner had failed to disclose a pending criminal case at the time of his passport renewal. The petitioner argued that he was unaware of the disclosure requirement and requested relief based on existing judicial precedents.

HELD The court ruled that the rigour of Section 6(2)(f) applies even if a police 'B' report is filed, as a B-report does not absolve the applicant of the crime. The court held that the statutory bar remains active unless the applicant is formally acquitted, discharged, or has the proceedings quashed by a competent court under Section 482 of the Cr.P.C.

“The rigour of Section 6(2)(f) of the Act gets evaporated only when the applicant who is facing criminal proceedings or a FIR is acquitted, discharged or the proceeding against the said applicant is quashed by a competent Court of law...”

HIGH COURT OF KARNATAKA • 2025

SOURCE KAHC010166852025

14 Mohammad Abass Lone v. Union of India

HIGH COURT OF JAMMU AND KASHMIR • 2025-02-10 • WP(C)/1836/2024

The petitioner, a retired government employee, sought the reissuance of his passport, which had been withheld by the authorities due to the pendency of a criminal investigation (FIRs). The respondents justified the refusal based on the lack of a clear police verification report. Relying on established legal precedent, the court noted that the right to travel abroad is a facet of personal liberty under Article 21 of the Constitution. It held that under the Passport Act, 1967, the mere registration of an FIR or the pendency of an investigation does not constitute 'criminal proceedings' before a court. Since no charge sheet had been filed, the refusal was legally unsustainable. Consequently, the court directed the authorities to process the petitioner's passport application.

HELD The court decided that criminal proceedings commence before a competent court only when a final report is laid by the police, or when a court takes cognizance under a private complaint. Registration of an FIR and the subsequent investigation do not constitute pending court proceedings, and therefore cannot attract the disqualification under Section 6(2)(f).

“registration of FIR and the investigation taken thereupon by the investigating agency cannot be said to be the proceedings pending before a criminal Court in India to attract disqualification...”

HIGH COURT OF JAMMU AND KASHMIR • 2025

SOURCE JKHC010041072024

15 Rahul Jashnani v. Union of India

HIGH COURT OF KARNATAKA • 2025-05-02 • WP/12514/2025

The petitioner, a resident of Dubai, sought the renewal of his Indian passport for a standard 10-year term. The passport authority had refused to process the application due to the pendency of a criminal case against him, citing relevant policy remarks under the Passports Act, 1967.

HELD The court held that police filing a 'B' report does not absolve the applicant of the crime under Section 6(2)(f). The court reiterated that Section 6(2)(f) mandates the refusal of a passport when criminal court proceedings are pending, and this rigour is only removed upon formal acquittal, discharge, or quashing.

“Section 6(2)(f) mandates that if proceedings are pending in respect of an offence alleged to have been committed by the applicant before a criminal Court in India, the passport authority would have the right to refuse issue of passport...”

HIGH COURT OF KARNATAKA • 2025

SOURCE KAHC010273082025

16 G. Vadivel Prasanth Gnanavel v. State of Tamil Nadu

MADRAS HIGH COURT • 2017-12-21 • WP(MD)/21176/2017

The petitioner sought a writ of mandamus to compel the Regional Passport Officer to issue a passport, which had been withheld due to a pending criminal case. The passport authority argued that under Section 6(2)(f) of the Passports Act, 1967, the mere existence of a pending criminal investigation justified the refusal. The court, however, clarified that 'proceedings pending before a criminal court' only occur once a magistrate has taken cognizance of an offense after the filing of a charge sheet. Finding that the mere pendency of an FIR does not satisfy this threshold, the court directed the passport authority to reconsider the application in light of established legal precedent.

HELD The court held that until a charge-sheet has been filed and a Magistrate takes cognizance under Chapter XVI of the Cr.P.C., criminal proceedings cannot be considered pending in court. Investigations by police remain at the pre-court stage and do not trigger refusal under Section 6(2)(f) of the Act.

“Unless the Judicial Magistrate takes cognizance of the offence, on filing of charge-sheet on completion of investigation against the applicant, it cannot be said that the proceedings are pending before the Criminal Court.”

MADRAS HIGH COURT • 2017

SOURCE HCMD010635812017

17 Albert Martin v. The Regional Passport Officer

MADRAS HIGH COURT • 2014-10-20 • WP(MD)/17045/2014

The petitioner filed a writ petition seeking the release of his passport, which he had voluntarily surrendered following show cause notices regarding his involvement in a criminal case and a pending contempt matter. While the petitioner argued that he needed to travel to Dubai for his daughter's delivery, the court noted that the passport authority had not yet issued final orders on the pending show cause notices. The court directed the Regional Passport Officer to pass a reasoned, speaking order on the merits of the show cause notices within ten days, ensuring adherence to the principles of natural justice and providing the petitioner an opportunity to be heard.

HELD The court decided that while there is no express provision in the Passports Act, 1967 mandating that the *audi alteram partem* rule be followed before impounding a passport, natural justice dictates that no person should be condemned unheard. It directed the passport authority to pass a reasoned, speaking order after considering the petitioner's explanations.

“there is no express provision provided in the Passport Act, 1967, which requires that 'Audi alteram parte m Rule should be followed before impounding a Passport'. However, the well settled principle in law is that no person should be condemned, unheard...”

MADRAS HIGH COURT • 2014

SOURCE HCMD010368202014

18 Neethirajan v. The Regional Passport Officer

MADRAS HIGH COURT • 2023-07-28 • WP(MD)/15753/2023

The petitioner sought a writ of mandamus to compel the Regional Passport Officer to re-issue his passport, which had been withheld due to the pendency of several FIRs. The respondents argued that the passport could not be issued while these criminal cases were ongoing.

HELD The court ruled that the registration of an FIR based on a complaint does not equate to criminal proceedings pending before a court. Based on Ministry of External Affairs circulars, criminal proceedings only begin when a case is formally registered before a court and the court takes cognizance.

“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.”

MADRAS HIGH COURT • 2023

SOURCE HCMD010712092023

19 Satwant Singh Sawhney v. D. Ramaratinam

SUPREME COURT OF INDIA • 1967-04-10 • 1967 INSC 99

The petitioner challenged the government's decision to impound his passports, arguing that the right to travel abroad is an integral part of personal liberty under Article 21 of the Constitution and that executive discretion regarding passports without legislative backing violates the right to equality under Article 14. The respondents contended that a passport is a political document issued at the government's pleasure and that no fundamental right to travel exists.

HELD The Supreme Court held that passport facilities cannot be withdrawn arbitrarily by the executive without the backing of specific legislative law, as the passport is an essential document that touches upon a citizen's fundamental right to travel.

“The passport is a political document and one which the State may choose to give or to withhold. Since a passport vouches for the respectability of the holder, it stands to reason that the Government need not vouch for a person it does not consider worth.”

SUPREME COURT OF INDIA • 1967

SOURCE ESCR010002381967

Vijay Kumar v. Union of India

HIGH COURT OF RAJASTHAN • 2024-08-05 • CW/7501/2024

The petitioner sought a direction to the Regional Passport Office to issue a passport, which had been withheld due to an adverse police verification report citing a pending criminal case from 2003. The petitioner contended that he had been acquitted in that case, but the court records had since been destroyed. The High Court observed that Section 6 of the Passports Act, 1967, only allows for the refusal of a passport if there is a conviction for an offence involving moral turpitude or if criminal proceedings are currently pending before a criminal court. Finding no evidence of active criminal proceedings against the petitioner, the court ruled the refusal arbitrary and directed the authorities to issue the passport.

HELD The court decided that a passport can only be denied on the specific grounds enumerated under Section 6 of the Act. An adverse police report based on a historical, inactive FIR where nothing is pending before a criminal court cannot be used to withhold passport issuance.

“the adverse police verification report given against petitioner for pendency of a criminal case, on the basis of registering FIR No.386/2003, is perverse...”

HIGH COURT OF RAJASTHAN • 2024

SOURCE RJHC020390202024

21 Balamurugan S. v. The Regional Passport Officer

MADRAS HIGH COURT • 2023-09-19 • WP(MD)/18342/2023

The petitioner sought a writ of mandamus to compel the Regional Passport Officer to process his application for passport renewal. The passport authority had withheld the application due to an ongoing police investigation against the petitioner. The court held that the mere pendency of an FIR or an investigation does not constitute 'proceedings pending before a criminal court' under Section 6(2)(f) of the Passports Act, 1967. Judicial precedent and government circulars establish that criminal proceedings are only considered pending once a court has formally taken cognizance of an offense. Consequently, the court allowed the petition and directed the passport authority to process the application within twelve weeks.

HELD The court held that the role of a Magistrate during police investigation is merely supervisory. Criminal proceedings are not pending in court until cognizance is taken. Thus, the passport authority cannot refuse passport issuance under Section 6(2)(f) purely because an FIR is undergoing police investigation.

“Registration of an FIR on the police files, based on a complaint, cannot be construed as a proceedings pending before the Criminal Court.”

MADRAS HIGH COURT • 2023

SOURCE HCMD010842272023

22 Manish Kumar Mittal v. Chief Passport Officer & Anr

HIGH COURT OF DELHI • 2013-08-05 • W.P.(C)/4835/2013

The petitioner challenged the impoundment of his passport, which was seized by the Regional Passport Officer due to a pending criminal case, without the issuance of a speaking order or a prior opportunity for him to be heard. The court found that the authorities failed to comply with Section 10(5) of the Passports Act, 1967, and violated the principles of natural justice as established in *Maneka Gandhi v. Union of India*.

HELD The court ruled that the power to impound a passport is quasi-judicial. Under natural justice, the authority must either provide a prior hearing or immediately grant a remedial post-impoundment hearing so the holder can contest the decision. The lack of such procedures or failure to provide reasons is arbitrary and unconstitutional.

“The Passport Authority may proceed to impound the passport without giving any prior opportunity to the person concerned to be heard, but as soon as the order impounding the passport is made, and opportunity of hearing, remedial in aim, should be given to him...”

HIGH COURT OF DELHI • 2013

SOURCE DLHC011108202013

23 Arun Prasath v. The Passport Officer

MADRAS HIGH COURT • 2022-11-07 • WP(MD)/25100/2022

The petitioner sought a writ of mandamus to compel the Passport Officer to reissue his passport. The passport application had been stalled due to an adverse police report citing the petitioner's involvement in a petty criminal case under Section 160 of the IPC. The respondent police confirmed that no prior antecedents existed for the petitioner.

HELD The court held that the mere pendency of an FIR is not a bar for re-issuing a passport. It directed the passport authorities to consider the reissue application, emphasizing that authorities cannot mechanically refuse to process applications citing pending FIRs.

“unless and until the Judicial Magistrate takes cognizance of the offence, the respondents/Officials cannot mechanically refuse to issue passport to the parties, stating that FIR is pending...”

MADRAS HIGH COURT • 2022

SOURCE HCMD0110672022

24 Anand Tewari v. Union of India

HIGH COURT OF DELHI • 2013-09-18 • W.P.(C)/5155/2013

The petitioners challenged the impounding of their passports by the Regional Passport Office, which acted upon recommendations from the Central Bureau of Investigation due to pending criminal cases against them. The court reviewed the legal requirements for impounding passports under the Passports Act, 1967, emphasizing the necessity of adhering to principles of natural justice and providing adequate reasons to the passport holder. The court noted that while the authorities cited both public interest and pending criminal proceedings as grounds for the action, the original show cause notices lacked sufficient detail or justification regarding the specific grounds

for impounding. Consequently, the court scrutinized the procedural fairness of the administrative actions taken against the petitioners.

HELD The court held that natural justice must be read into the Passports Act by implication. To impound a passport, the authority must apply its mind to specified grounds under Section 10(3), record reasons in writing, and provide a fair hearing (remedial post-impounding, if not pre-impounding) to avoid arbitrariness.

“A fair opportunity of being heard following immediately upon the order impounding the passport would satisfy the mandate of natural justice and a provision requiring giving of such opportunity to the person concerned can and should be read by implication in the Passports Act, 1967.”

HIGH COURT OF DELHI • 2013

SOURCE DLHC011211702013

25 Mulia Patra v. State of Odisha

ORISSA HIGH COURT • 2022-08-02 • WPC(0AC)/2390/2013

The petitioner, an accountant, challenged an order of dismissal from service stemming from charges of misappropriation. The petitioner argued that the disciplinary authority failed to follow the prescribed procedure under the OCS (CCA) Rules, 1962, specifically by failing to provide him with the enquiry report, denying him access to relevant documents, and failing to issue a proper show-cause notice before passing the final order of dismissal. The petitioner contended that these procedural lapses violated the principles of natural justice.

HELD The court discussed the foundational principles of natural justice, citing historical common law and *Maneka Gandhi v. Union of India* in relation to the right to go abroad. It held that the principle of *audi alteram partem* is a vital humanising principle that must guide administrative and quasi-judicial actions to ensure fair play.

“The principle of audi alteram partem, which mandates that no one shall be condemned unheard, part of the rules of natural justice.”

ORISSA HIGH COURT • 2022

SOURCE ODHC010773992013

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