



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 8599 OF 2024 (GM-PASS)

BETWEEN:

SRI K C CARIAPPA

...PETITIONER

(BY SRI. RAGHAVAN M., ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS,
REGIONAL PASSPORT,
OFFICE BENGALURU,
REP. BY REGIONAL PASSPORT OFFICER,
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA,
BENGALURU-560095
2. REGIONAL PASSPORT OFFICE BENGALURU
8TH BLOCK, 80 FEET ROAD,
KORAMANGALA,
BENGALURU-560095
REPRESENTED BY GRANTING OFFICER





3. STATE OF KARNATAKA
BY COMMISSIONER OF POLICE, INFANTRY ROAD,
BENGALURU-560001
REP. BY SPP, HIGH COURT OF KARNATAKA,
BENGALURU-560001

...RESPONDENTS

(BY SRI. H. SHANTHI BHUSHAN, DSGI. A/W
SRI. UNNIKRISHNAN M., CGSC FOR R1 AND R2;
SRI. RAHUL CARIAPPA K.S., AGA FOR R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO i) DIRECT THE R2 TO APPROVE THE CLEARANCE OF POLICE CLEARANCE CERTIFICATE FOR THE DOCUMENT PRODUCED AT ANNEX-A AND D.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking a direction by issuance of a writ in the nature of mandamus directing second respondent to approve and grant police clearance by way of certificate to enable grant of a visa or visa clearance by the second respondent.

2. Heard the learned counsel Sri. Raghavan M., appearing for the petitioner, the learned Deputy Solicitor General of India, Sri. Shanthi Bhushan H along with Sri. Unnikrishnan M., CGSC, appearing for respondent Nos.1



and 2 and the learned Additional Government Advocate, Sri. Rahul Cariappa K.S., appearing for respondent No.3.

3. Owing to the direction so sought, this Court, on 20.03.2024, passed the following order:

" Learned DSGI Sri.Shanthi Bhushan is directed to accept notice for respondents 1 and 2.

Learned Additional Government Advocate Sri.Rahul Cariappa is directed to accept notice for respondent No.3.

Learned counsel for the petitioner to serve a copy of the petition papers upon the learned counsels, forthwith.

The petitioner is before this Court in a piquant circumstance wherein he has to travel to England to play cricket as he has been invited to play the game to represent the State, but he has been denied the police clearance certificate to travel abroad.

The Police clearance certificate for the purpose of issuance of passport to travel is denied on the ground that a crime is registered against him for the offence punishable under Sections 323, 504, 506 and 420 of the IPC by his fiancée in Crime No.458 of 2023. The matter is still at the stage of investigation.

In the light of the fact that the matter is still under investigation, neither the police clearance certificate nor the passport can be denied in the light of the Office Memorandum issued by the Ministry of External Affairs dated 10.10.2019, which clarifies the Circular GSR 570(E) notification of the year 1993, which deals with such circumstances.

Therefore, the learned Additional Government Advocate to secure instructions as to how the police clearance certificate is withheld and list the matter on 22.03.2024 in the fresh matters list."



The matter was listed on 22.03.2024 and the learned Deputy Solicitor General of India, Sri.Shanthi Bhushan H., had assured this Court that the clearance certificate would be issued by the second respondent once a communication comes from the State of necessary police clearance, without brooking any delay. Therefore, the Court passed the following order:

" This Court on 20.03.2024 had passed the following order:

"... The petitioner is before this Court in a piquant circumstance wherein he has to travel to England to play cricket as he has been invited to play the game to represent the State, but he has been denied the police clearance certificate to travel abroad.

The Police clearance certificate for the purpose of issuance of passport to travel is denied on the ground that a crime is registered against him for the offence punishable under Sections 323, 504, 506 and 420 of the IPC by his fiancée in Crime No.458 of 2023. The matter is still at the stage of investigation.

In the light of the fact that the matter is still under investigation, neither the police clearance certificate nor the passport can be denied in the light of the Office Memorandum issued by the Ministry of External Affairs dated 10.10.2019, which clarifies the Circular GSR 570(E) notification of the year 1993, which deals with such circumstances.

Therefore, the learned Additional Government Advocate to secure instructions as to how the police clearance certificate is withheld and list the matter on 22.03.2024 in the fresh matters list."



Learned Additional Government Advocate, on instructions, would submit that except the subject FIR there is no other case pending against the petitioner.

In the light of the aforesaid order, it is imperative that the police would accord such clearance.

Learned senior Central Government Counsel Sri.Unnikrishnan would undertake that the clearance certificate would be issued by the 2nd respondent – Regional Passport office without brooking any delay, on receipt of verification from the state.

List the matter on 25.03.2024 in the fresh matters list."

4. The matter was directed to be listed on 25.03.2024, on an assurance by the learned Deputy Solicitor General of India, Sri.Shanthi Bhushan H., that he would within 60 minutes of police clearance, get the second respondent to issue a clearance from its end. The matter is listed today and it is said that the police clearance is issued by the State and it is affirmed that the second respondent has issued visa clearance within 60 minutes, from the date of issuance of the police clearance by the State. The learned Deputy Solicitor General of India, Sri.Shanthi Bhushan H., has kept up to his word of clearance in 60 minutes.

5. This Court would place its appreciation to the Ministry of External Affairs, second respondent, to clear the file



before the second respondent, within an unprecedented 60 minutes, as assured by the learned Deputy Solicitor General of India, Sri.Shanthi Bhushan H.

6. The efforts of the learned Deputy Solicitor General of India, Sri.Shanthi Bhushan H., in keeping up to his assurance merits appreciation. So thus, the Ministry of External Affairs and the second respondent, all for disposal of a file within 60 minutes. This action of the Union of India deserves emulation.

7. In the light of the police clearance granted and the visa clearance is also in place, there would be no impediment for the petitioner to travel and the writ petition need not detain this Court for any direction, I deem it appropriate to dispose the same with the afore observed appreciation.

8. With the aforesaid observations, the writ petition stands disposed.

**Sd/-
JUDGE**