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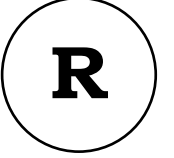
IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 12734 OF 2023



BETWEEN:

SRI. U.M. HAIDAR,
S/O ABOOBKAR,
AGED ABOUT 60 YEARS,
R/O NO.Q-4326, 110/24,
FLAT NO 601, FALNIR,
FLAMG DIAMOND,
MANGALORE 575001.
WORKING AT:
TRAVEL AGENCY,
KUDAMANE HOUSE, UPPENA ANGADI,
PUTTUR TALUK.

...PETITIONER

(BY SRI. PARAMESHWARAPPA M V, ADVOCATE)

AND:

1. STATE PUBLIC PROSECUTOR,
ASSISTANT CIRCLE POLICE
INSPECTOR, MANGALORE EAST
POLICE STATION, KADARIHILLS,
MANGALORE.
2. THE REGIONAL PASSPORT OFFICER,
MANGALORE DIVISION,





MANGALORE.

...RESPONDENTS

(BY SRI. B.N JAGADEESHA, SPP-I FOR R-1;

SRI. H. SHANTHI BHUSHAN, DSGI FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C TO QUASH THE PROCEEDINGS FILED BY THE RESPONDENT IN C.C.NO.168/2021 PENDING BEFORE THE II ADDITIONAL CIVIL JUDGE AND C.J.M. AT MANGALURU AS PER ANNEXURE-A TO C, BY ALLOWING THE PETITION AND ETC.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner-accused No.3 is at the doors of this Court calling in question the proceedings in C.C.No.168/2021 registered for offences punishable under sections 465, 468, 471, 420 of the Indian Penal Code and Section 12B of the Passports Act, 1967.

2. Heard Sri.Parameshwarappa M.V., learned counsel appearing for the petitioner, Sri.B.N.Jagadeesha, learned SPP-I appearing for respondent No.1, Sri.H.Shanthi Bhushan, learned



DSGI appearing for respondent No.2 and have perused the material on record.

3. Facts in brief, germane, are as follows:

3.1. The petitioner is said to be physically disabled and runs a travel agency. He therefore functions as a travel agent. In the capacity of him being a travel agent, he is said to have facilitated police verification for the purpose of renewal of passport. The facilitation comes to the knowledge of the complainant-constable who had approved the police verification pursuant to which, several persons had got their passport renewed. The gaining of knowledge of the accused No.1 whose verification also was cleared pursuant to the facilitation by the present petitioner, registers the subject complaint. It is on the allegation that one Sri.Ibrahim Khalil-the accused No.1 is the most wanted man by the Andhra Pradesh Anti-terrorist Squad. His passport also is facilitated to be recovered by generating the applications or otherwise through the agency that the petitioner held. It is then the crime is registered but the



petitioner was not drawn as an accused at the time of registration of the crime.

3.2. The police conduct investigation and then file a charge sheet. Filing of the charge sheet is what has driven the petitioner-accused No.3 into the web of crime in the present proceedings.

4. Learned counsel appearing for the petitioner submits that the petitioner is a bonafide travel agent. He has only facilitated the applications that come before him for the purpose of generating a police verification to the hands of the State and consequential renewal of several persons including the accused No.1. Therefore, it is his submission that no fault can be found with his bonafide action of the facilitation of renewal of passport.

5. Per contra, the learned Deputy Solicitor General of India Sri.H.Shanti Bhushan appearing for the 2nd respondent-Regional Passport office would refute the submission in



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contending that the petitioner runs a travel agent. His address is fake and for 15 applications, the same address where the travel agency is located is indicated in all those 15 applications of the 15 passports which he seeks to renew and not those applicants of passports. Therefore, would submit that he has facilitated alleged terrorist who is wanted by the Andhra Pradesh Anti-terrorist Squad also to get a passport contrary to law. He would submit that this Court cannot interdict the proceedings at this stage. It is for the petitioner to come out clean in a full-blown trial.

6. Learned State Public Prosecutor Sri.B.N.Jagadeesh would on verification of the records would submit and endorse what the learned DSGI would submit, as the police constable who had done the verification work of 15 applications that generated from the travel house of the petitioner are all under scrutiny, as it is a clear case where the petitioner has played fraud in getting the police verification done.



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7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are largely beyond the pale of controversy. They stand, in substantial measure, admitted and are borne out by the record. Equally undisputed is the role attributed to the petitioner. It is also a matter of record that the petitioner's name did not surface at the stage of registration of the crime. The crime, at its inception, did not cast even a shadow of suspicion upon the petitioner. However, the complexion of the matter altered during the course of investigation. Upon completion of investigation and filing of the charge sheet, the petitioner's role emerges with considerable clarity. The summary of the charge sheet, as reflected in column No.17, reads as follows:

" ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯ ಅಂಕಣ ನಂಬ್ರ: 12 ರಲ್ಲಿ ಹೆಸರು ವಿಳಾಸ ಕಾಣಿಸಿದ ಆರೋಪಿತರ ಮೇಲಿನ ಆರೋಪ ಏನೆಂದರೆ, ದಿನಾಂಕ 01-09-2010 ರಿಂದ 15-09-2013 ರ ಮಧ್ಯೆ ಅವಧಿಯಲ್ಲಿ 3ನೇ ಆರೋಪಿ ಯು.ಎ. ಹೈದರ್ ರವರು ಆರೋಪಿ 2ನೇ ಎ.ಕೆ. @ ಅಮೀನ್ ಕಮಲ್ ಶೇಖ್ ನ ಜೊತೆ ಸೇರಿ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಪಿ.ಸಿ. 2214 ಲಕ್ಷ್ಮಣ ರವರ ಮುಖೇನ ಆರೋಪಿ 1ನೇ ಇಬ್ರಾಹಿಂ ಖಲೀಲ್ ಮತ್ತು ಆರೋಪಿ 4ನೇ ಮೊಹಮ್ಮದ್ ಹುಸೈನ್ ರವರಿಗೆ ಪಾಸ್ ಪೋರ್ಟ್ ಹೊಂದಲು ಮಂಗಳೂರು ಪೂರ್ವ ಪೊಲೀಸ್



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ರಾಣಾ ವ್ಯಾಪ್ತಿಯ ಬೆಂದೂರ್ ವೆಲ್ ರೋಸ್ ಕೋಟ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್ ನ ಡೋರ್ ನಂ. 2-15-1410/03 ನೇದರಲ್ಲಿ ವಾಸ್ತವ್ಯ ಮಾಡಿಕೊಂಡಿದ್ದಾಗಿಯೂ, ಮಂಗಳೂರು ಕೆ.ಎಂ.ಸಿ. ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಸಿಬ್ಬಂದಿಯಾಗಿರುವುದಾಗಿಯೂ, ಹಾಗೇ ಮಂಗಳೂರು ಬದ್ರಿಯಾ ಪ್ರೌಢ ಶಾಲೆಯಲ್ಲಿ ಎಸ್.ಎಸ್.ಎಲ್.ಸಿ. ವಿದ್ಯಾಭ್ಯಾಸ ಮಾಡಿರುವುದಾಗಿ ನಕಲಿ ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿಸಿ, ಆರೋಪಿ 1 ಮತ್ತು 4ನೇ ಯವರಿಗೆ ಪಾಸ್ ಪೋರ್ಟ್ ಪಡೆಯಲು ಸಹಕರಿಸಿದ್ದು, ಸದ್ರಿ ದಾಖಲೆಗಳು ನಕಲಿ ಎಂದೂ ತಿಳಿದೂ, ನೈಜ ದಾಖಲೆಗಳೆಂದು 1ನೇ ಆರೋಪಿ ಇಬ್ರಾಹಿಂ ಖಲೀಲ್ ಮತ್ತು 4ನೇ ಆರೋಪಿ ಮೊಹಮ್ಮದ್ ಹುಸೈನ್ ರವರು ಹಾಗೂ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿ ಲಕ್ಷಣ ರವರು ಪಾಸ್ ಪೋರ್ಟ್ ಅರ್ಜಿ ವಿಚಾರಣೆ ವೇಳೆ ಚಾ.ಸಾ 4ನೇ ಯವರನ್ನು ನಂಬಿಸಿ. ಪಾಸ್ ಪೋರ್ಟ್ ಅರ್ಜಿ ಪುರಸ್ಕರಣೆಗೊಳಿಸಿದ್ದು, ಸದ್ರಿ ದಾಖಲೆಗಳ ಅಧಾರದಲ್ಲಿ 1 ಮತ್ತು 4ನೇ ಆರೋಪಿತರು ಮೋಸದಿಂದ ವಂಚನೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಬೆಂಗಳೂರು ಪಾಸ್ ಪೋರ್ಟ್ ಕಛೇರಿಯಿಂದ ಪಾಸ್ ಪೋರ್ಟ್ ಪಡೆದುಕೊಂಡಿರುವುದು ತನಿಖೆಯಿಂದ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಆದುದರಿಂದ ಆರೋಪಿ 1 ಮತ್ತು 4ನೇಯವರು ಕಲಂ 471, 420 ಐಪಿಸಿ ಮತ್ತು ಕಲಂ 12 (ಬಿ) ಪಾಸ್ ಪೋರ್ಟ್ ಕಾಯ್ದೆ 1957 ರಂತೆ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾರೆ ಎಂಬುದಾಗಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಲಾದ ದೋಷಾರೋಪಣಾ ಪತ್ರ."

9. What, then, is the precise role attributed to the petitioner? The material on record would indicate that the petitioner is the proprietor of a travel agency. Acting in such capacity, he is alleged to have furnished his own address in as many as fifteen passport applications, portraying the same as though they were the genuine residential addresses of the respective applicants seeking renewal of passports. It is on the strength of such applications facilitated by the petitioner that police verification was undertaken, ultimately resulting in renewal of passports for those applicants, including one



Ibrahim Khaleel, arrayed as accused No.1, who is stated to be a person wanted by the Andhra Pradesh Anti-Terrorist Squad for alleged terrorist activities.

10. The allegation, therefore, is not one of mere clerical facilitation or routine procedural assistance. The gravity of the accusation lies in the consequence of the petitioner's acts. By facilitating the clearance of applications founded on allegedly fabricated residential credentials, **the petitioner is said to have enabled the renewal of a passport in favour of a person suspected of activities inimical to national security. Such allegations, if ultimately established in trial, transcend ordinary criminal misconduct and enter the realm of conduct prejudicial to the security and sovereignty of the Nation.**

11. Therefore, the petitioner cannot seek refuge merely under the plea of physical disability, ill-health, or the assertion that he functioned only as a bona fide travel agent processing paperwork for clients. **Such pleas, howsoever sympathetic, cannot eclipse the seriousness of the allegations. If the**



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petitioner, knowingly or otherwise, became an instrument in the chain of acts that facilitated identity verification and travel documentation of a person alleged to be involved in terrorist activities, the matter demands full judicial scrutiny.

12. A travel agent who merely performs lawful clerical functions stands on one footing; a travel agent who becomes a conduit for the creation or use of fabricated credentials stands on an altogether different pedestal. Whether the petitioner acted with knowledge, intent, or culpable negligence is a matter that can only be tested in the trial. At this stage, the material is sufficient to require the petitioner to stand trial and vindicate his innocence in accordance with law.

13. The petitioner, therefore, must face trial and come out clean, if indeed he is innocent. His disability, health condition, or personal circumstances, though deserving of human sympathy, cannot become grounds to truncate prosecution where allegations touch upon acts potentially adverse to national interest. When the allegation concerns facilitation of documentation in



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favour of a person suspected of terrorist links, the issue ceases to be one of private criminality and assumes larger public significance.

14. In the entire episode, the role of the police constable who cleared verification of all fifteen applications routed through the petitioner also assumes grave significance. The conduct of the said police constable cannot escape judicial scrutiny. If verification was granted without proper field inquiry or due diligence, such dereliction is not a mere administrative lapse; it may well amount to a serious breach of public duty with far-reaching consequences.

15. The said constable, therefore, cannot be permitted to go scot-free. Learned State Public Prosecutor would submit that sanction to prosecute the said police constable has already been sought and is presently pending consideration before the competent authority. If such a proposal is indeed awaiting consideration, it becomes imperative for the State to process the same with promptitude, bearing in mind the observations made herein.



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16. **Any individual - whether a private citizen, intermediary, or public servant - who, by act of commission or omission, acts against the interest of the Nation must be brought to book. National security is not imperiled only by those who directly engage in unlawful acts; it is equally endangered by those who facilitate, enable, or negligently permit such acts to occur. The law must therefore reach every link in the chain.**

17. Finding no merit in the petition, the petition stands **dismissed.**

It is made clear that the observations made during the course of this order are only for the purpose of consideration of the case of the petitioner under Section 482 of the Cr.P.C. and the same would not bind or influence further proceedings against the petitioner.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**