

APHC010315792025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3331]

THURSDAY, THE FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

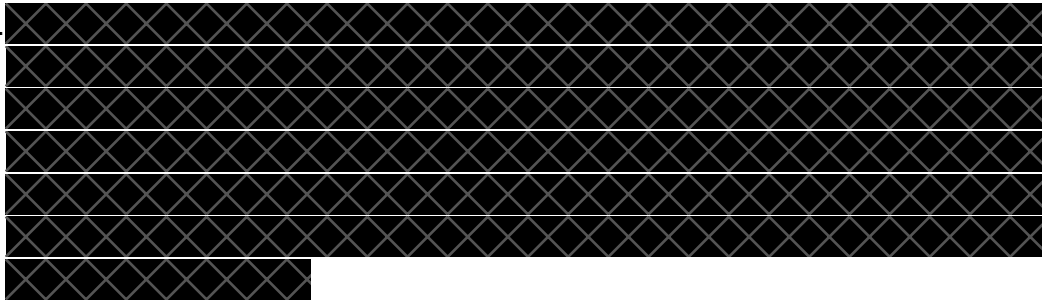
PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14854/2026

Between:

1.



...PETITIONER

AND

1. UNION OF INDIA, MINISTRY OF EXTERNAL AFFAIRS, REP. BY ITS PRINCIPAL SECRETARY, SOUTH BLOCK, NEW DELHI - 110001.
2. THE PASSPORT AUTHORITY OF INDIA, REPRESENTED BY ITS CHIEF PASSPORT OFFICER, PSP DIVISION, MINISTRY OF EXTERNAL AFFAIRS, PATIALA HOUSE, TILAK MARG, NEW DELHI-110001.
3. THE REGIONAL PASSPORT OFFICER, , REGIONAL PASSPORT OFFICE, NEAR P.F. OFFICE, BESIDE RYTHU BAZAR MARRIPAIEM VUDA LAYOUT, NAD POST, VISAKHAPATNAM - 530009.

4. THE STATION HOUSE OFFICER, PATAMATA POLICE STATION,
NTR COMMISSIONERATE, VIJAYAWADA, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the communication vide Letter Ref. No. SCN/1055013440/26 dated 15-05-2026 alleging that Crime No.575/2025 of Patamata Police Station was charge sheeted and refusing to process the fresh passport application of the petitioner bearing File No. VS 1066654343026 illegal, arbitrary, contrary to the provisions of the Passports Act, 1967 and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to process application of the petitioner vide File No. VS1066654343026 and issue passport to the petitioner for a period of 10 years, without reference to Crime No.575/2025 of Patamata P.S., and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to process the passport application of the petitioner bearing File No. VS 1066654343026, without reference to Crime No.575/2025 of Patamata P.S., pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.P SAI SURYA TEJA

Counsel for the Respondent(S):

1.GP FOR HOME

2.

The Court made the following:

:: ORDER ::

Heard Sri P. Sai Surya Teja, the learned counsel for the petitioner; the learned Deputy Solicitor General for respondent No.1, the learned standing counsel for the Central Government, for respondents 2 and 3 and the learned Assistant Government Pleader for Home, for respondent No.4.

2. The petitioner made an application vide File No.VS1066654343026 before respondent No.3 for the issuance of a passport. A shortfall notice, dated 15.05.2026, Ex.P1 was issued seeking clarification due to an adverse police verification report, pointing out the petitioner's involvement in crime No.575 of 2025 of Patamata Police Station, NTR Commissionerate.

3. Learned counsel for the petitioner would submit that mere pendency of a criminal case does not impede the issuance of a passport.

4. Learned Assistant Government Pleader for Home, on instructions, would submit that the Police have not filed any final report before the jurisdictional Court.

5. Thus, as seen from the pleadings and instructions, there is no dispute regarding the pendency of the aforementioned crime against the petitioner. However, the jurisdictional court has not taken cognisance.

6. The issue involved in this writ petition is squarely covered by the issue involved in W.A.No.383 of 2024. The Division Bench of this Court, in an order dated 29.10.2024, considered the aspect of cognisance by the Court in a criminal case vis-a-vis an application made for the issuance of a passport and observed as follows:

“16. Considering the facts of the present case on the touchstone of the principles laid down in the aforementioned judgments, it is clear

that the Court of Special Mobile Judicial First Class Magistrate, Kakinada, having not taken judicial notice of the charge sheet filed before it, cannot be said to have taken cognizance much less can the Court be said to have initiated proceedings in terms of Chapter XVI of the Code of Criminal Procedure.

17. Therefore, we would have no hesitation in holding that proceedings would be said to have been pending only if cognizance had been taken by the Court and steps had been taken by the Court under Chapter XVI of the Code of Criminal Procedure. Since, there was no cognizance taken, there would be no question of 'proceedings pending before a criminal Court', which would attract the provisions of Section 6(2)(f) of the Passports Act, 1967."

7. Unless the guilt is proved, an accused is presumed to be innocent and mere pendency of a criminal case is not a bar for renewing the passport, and the right to travel abroad is a personal liberty of a person.

8. Section 6 of the Passport Act 1967 (for short 'the Act') deals with the refusal of passports, travel documents etc. Section 6(2)(f), which is relevant, is extracted hereunder:

"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: -

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

9. The Hon'ble Apex Court in **Sumit Mehta vs. State of NCT of Delhi**¹ held that the law presumes an accused to be innocent till his guilt is proved. As a presumable innocent person, he is entitled to all the fundamental rights, including the right to liberty guaranteed under Article 21 of the Constitution of India.

10. The Apex Court in **Maneka Gandhi vs. Union of India and another**²; and **Satish Chandra Verma vs. Union of India (UOI) and others**³, held that the right to travel abroad is a part of personal liberty.

11. Given the above facts and circumstances of the case, this Writ Petition is disposed of at the admission stage, directing respondent No.3 to consider the aforementioned application made by the petitioner for issuance of a passport, strictly as per the provisions of the Act and Rule 12 of the Passport Rules 1980, without reference to the aforementioned crime number as expeditiously as possible. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 04.06.2026
IKN

¹ (2013) 15 SCC 570

² AIR 1978 SC 597

³ (2019) Supreme (SC) 1516

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