



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

[3548]

THURSDAY, THE TWENTY FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 14514/2026

Between:

1. THATHAMSETTY NAGENDRA, S/O. VENKATA KRISHNAIAH, AGED ABOUT 54 YEARS, R/O.D.NO.4/157, BALIJA STREET, RAILWAY KODURTOWN AND MANDAL, TIRUPATI DISTRICT (ERSTWHILE ANNAMAYYA DISTRICT), ANDHRA PRADESH - 516101. .

...PETITIONER

AND

1. THE UNION OF INDIA, REP BY ITS SECRETARY MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110001.

2. THE STATE OF ANDHRA PRADESH, HOME DEPARTMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522239.

3. THE REGIONAL PASSPORT OFFICE, REP BY ITS REGIONAL PASSPORT OFFICER. REGIONAL PASSPORT OFFICE, 4TH FLOOR, STALIN CENTRAL, D.NO. 27-37-158, GOVERNORPET, M.G. ROAD, VIJAYAWADA- 520002

4. THE RAILWAY KODUR URBAN POLICE STATION, REP. BY ITS SHO, TIRUPATI DISTRICT - 516101

...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 pass an order or orders or direction, more particularly one in the nature of a WRIT OF MANDAMUS declaring the action of the Respondent No.3 in not re-issuing / renewal of the Petitioner's Passport pursuant to Petitioner's Application No. VJF076628698126 purportedly on the ground of pendency of Crime No.69 of 2026 on the file of the SHO, Railway Kodur Police Station, Tirupati District against the Petitioner herein as arbitrary, illegal, unjust, irrational, contrary to the provisions of the Passports Act, 1967 besides being violative of Articles 14,19 and 21 of the Constitution of India and consequently direct the Respondent No.3 herein to forth with re issue / renew the Passport in favor of the Petitioner herein and/or 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 Respondent No.3 herein to re-issue / renew the Passport in favor of the Petitioner herein pursuant to the Petitioner's Application No. VJF076628698126 and pass

Counsel for the Petitioner:

- 1.SIDDILINGAM GANESH NANDA

Counsel for the Respondent(S):

- 1.GP FOR HOME
- 2.

The Court made the following:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**WRIT PETITION NO: 14514/2026****ORDER:**

Heard Sri N.Ganesh Nanda, the learned counsel for the petitioner, the learned Standing Counsel appearing for respondent No.1 and the learned Assistant Government Pleader for Home appearing for respondent Nos.2 to 4.

2. The writ petition is moved by the petitioner for Writ of Mandamus being aggrieved for not renewing the petitioner's passport by respondent No.3 pursuant to the application No.VJF076628698126 purportedly on the ground of pendency of Crime No.69 of 2026 on the file of the Station House Officer, Railway Kodur (U) Police Station, Tirupati District.

3. The facts of the case germane to decide the *lis* and the contentions in the affidavit are as follows:

(a) The petitioner was issued the passport *vide* Application No.N6005977 issued by the Regional Passport Officer, Hyderabad which is valid upto 21.12.2025 and as the period lapsed and expired, an application was submitted on 01.04.2026, for renewal of the passport, to respondent No.3 through the Passport Seva Kendra, Railway Koduru, with the application Reference No. (ARN) 26-1055514164 with file No.VJF076628698126. The receipt of the said application dated 01.04.2026 was annexed to the petition as Ex.P.2.

4. Learned counsel for the petitioner would contend that as on the date of submitting the application for issuance / renewal, there was no crime or criminal proceedings pending and the complaint was instituted only on the next day of submitting the application for renewal i.e. on 02.04.2026. A false complaint was filed by Ms.Iskapatla Harsha Veena, a crime was registered against the petitioner in Crime No.69 of 2026 on the file of Railway Koduru (U) Police Station, Tirupati District for the offences punishable under Sections 118(1), 79, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS') and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 and in the said complaint, the petitioner was arrayed as Accused No.1 and as on today, investigation is in progress and no final report is filed nor cognizance is taken by the competent criminal Court having jurisdiction.

5. In another case, the petitioner, in Crime No.150 of 2024, was arrayed as accused No.2 on the file of the Railway Kodur (U) Police Station for the offences punishable under Section 506 r/w 34 of Indian Penal Code, 1860 (for short, 'IPC') and after investigation on the final report, the learned Magistrate of First Class, Railway Kodur, after evaluating *prima facie* case, in the light of the evidence and findings recorded by the investigating agency, the cognizance was taken only against accused No.1 and refused to take the cognizance against the petitioner herein, who is arrayed as accused No.2. The learned counsel for the petitioner states that in view of the same, the

petitioner is deemed to be effectively discharged from Crime No.150 of 2024 and to be treated as no criminal proceedings pending against him. In view of the said fact, the passport, cannot be denied to be renewed under Section 6(2)(f) of the Passport Act, 1967.

6. The learned counsel for petitioner further to substantiate his contentions stated that in pursuance of the investigation in Crime No.150 of 2024, a charge sheet in C.C.No.243 of 2024 was filed on the file of the learned Judicial Magistrate of First Class, Railway Kodur and the summons were issued to accused No.1 and not to the accused No.2 i.e., the petitioner herein, and only the name of the petitioner is reflecting in the criminal proceedings. The learned counsel would further submit that in order to satisfy this Court that in corollary, the petitioner is deemed to be discharged from the said crime/ C.C.No.243 of 2024 and need to file a certified copy of cognizance order passed by the Court as per the procedure contemplated under the Andhra Pradesh Criminal Rules of Practice, but in view of paucity of time and the said process of making an application to obtain a certified copy also consumes considerable time, the petitioner seeks leave of the Court to file web copies of the case status in C.C.No.243 of 2024 on the file of the learned Judicial First Class Magistrate, Railway Kodur. There is no separate Interlocutory Application filed by the petitioner to dispense with or seeking leave of this Court. But, the statement is made in the affidavit that the petitioner undertakes

to file certified copy of cognizance order as and when obtained and as per the directions of this Court.

7. The learned counsel for the petitioner would submit that in pursuance of the application, respondent No.3 issued a notice, dated 16.04.2026 bearing File No.VJF076628698126 and letter Ref.No.SCN/1054609091/26 reciting that the petitioner has suppressed material information in his passport application regarding pendency of the criminal proceedings pending against him and the petitioner was called upon to provide a suitable explanation within 30 days failing which, the passport application would be rejected. As stipulated, an explanation was submitted on 30.04.2026 by the petitioner through e-mail for which, a reply was communicated directing the petitioner to approach the office with all relevant documents. The petitioner visited the office of respondent No.3 on 07.05.2026 substantiating that there is no criminal case pending against the petitioner and also that mere pendency of criminal cases / criminal proceedings, the renewal or re-issuance of passport cannot be denied contrary to law which is established. Regarding non-mentioning of the particulars in the application, the petitioner fortifies that Crime No.69 of 2026 was registered after submission of the application and with respect to Crime No.150 of 2024, he submitted to the authorities that the petitioner was effectively discharged by corollary of law and the documents, in-support, were deposited before respondent No.3 and requested to process the application.

8. Presently, the learned counsel for the petitioner projected his arguments contending that after the reply submitted by the petitioner dated 29.04.2026, till date the application was kept on hold without passing any orders and thereby, no reasons are indicated as to why the said application was not acted upon. The status of the application is also annexed to the petition. Learned counsel for the petitioner would draw the attention of this Court to Section 6(2)(f) of the Passport Act. 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. To establish his arguments that as per Section 6(2)(f) of the Act, the requirement is that the offence which is pending before the Criminal Court to be taken into consideration and any crime which is not taken cognizance by the Magistrate and mere pendency of the criminal case cannot construe that the criminal proceedings are pending before the competent Court and thereby, denied the refusal of renewal of passport under Section 6(2)(f) of the Passport Act.

10. In support to his arguments advanced, learned counsel would submit that this Court in W.P.No.5769 of 2026 and batch categorically observed that mere pendency of a First Information Report cannot be taken as the legal basis for denial of issuance of regular passport to the petitioner and that only after cognizance is taken by an appropriate Court the same can be withheld and denied. But in the present case, there is no cognizance taken by the competent criminal Court and only the pendency of one crime cannot be a fact to deny the issuance of passport. With regard to the other accused, the learned counsel would submit that by way of corollary of law, the petitioner, who was shown as accused No. 2, is deemed to be discharged. Presently, he was not issued summons by the competent criminal Court and there would be no justification for denying to renew the passport and any action denying the renewal would be contrary to Article 21 of the Constitution of India in view of the law laid down by the Hon'ble Supreme Court in Hon'ble Apex Court in **Satwant Singh Sawhney v. D.Ramarathnam and others**¹ wherein it is held that the Right to Travel is indeed a fundamental right and the same cannot be arbitrarily and illegally denied by the State and that no person can be deprived of his Right to Travel except according to procedure established by law.

11. In **Sumit Mehta v. State of NCT of Delhi**², the Hon'ble Apex Court at para No.13 observed as follows:

¹ AIR 1967 SC 1836

² 2013(15) SCC 570

"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."

12. In **Satish Chandra Verma v. Union of India (UOI) and others**³, the Hon'ble Apex Court at para No.5 observed as follows:

"The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship which are the basic humanities which can be affected through refusal of freedom to go abroad and this freedom is a genuine human right."

13. In **Maneka Gandhi vs. Union of India**⁴, the Hon'ble Apex Court held that no person can be deprived of his right to go abroad unless there is a law enabling the State to do so and such law contains fair, reasonable and just procedure. The relevant Para No.5 is extracted as under:

"5. Thus, no person can be deprived of his right to, go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effected strictly in accordance with such procedure. It was for this reason, in order to comply with the requirement of

³ MANU/SC/0826/2019

⁴ 1978 (1) SCC 248

Article 21, that Parliament enacted the Passports Act, 1967 for regulating the right to go abroad. It is clear from the provisions of the Passport may be issued or refused or canceled or impounded and also prescribes a procedure for doing so, but the question is whether that is sufficient compliance with Article 21. Is the prescription of some sort of procedure enough or must the procedure comply with any particular requirements? Obviously, procedure cannot be arbitrary, unfair or unreasonable. This indeed was conceded by the learned Attorney General who with his usual candour frankly stated that it was not possible for him to contend that any procedure howsoever arbitrary, oppressive or unjust may be prescribed by the law. Therefore, such a right to travel abroad cannot be deprived except by just, fair and reasonable procedure."

14. This Court in similar circumstances in W.P.No.13133 of 2025 in a case of **Ravi Ramesh v. Union of India**⁵ by Order dated 09.05.2025, was pleased to held that in the case at hand the, jurisdictional Court has not taken any cognizance and mere pendency of crime is not a bar for renewing/re-issuing the passport.

15. The learned counsel further relied upon the judgment of the Hon'ble Supreme Court in **Vagala Venkata Siva Kumar v. The State of Andhra Pradesh** on 2 February, 2021; Criminal Revision Case Nos.475 and 478 of 2020, this Court *vide* para No.14 has observed that:

⁵ 2015 Live Law AP 88

Para 14: 14. As per Section 6 (2) (f) of the Passport Act, 1967, the passport authority shall refuse to issue passport or travel document for visiting any foreign country, if criminal proceedings are pending against the applicant in India. A bare reading of the Passport Act, 1967 reveals that there is no absolute bar for Renewal of passport. As per Section 6 (2) (f) of the Passport Act, 1967 when the passport authority refuses to grant passport, the Court while exercising its discretion has to look at the facts and circumstances of each case. Mere pendency of criminal case cannot be a reason to refuse to grant passport.

16. In ***Akhilesh v. State of Kerala and Others***⁶ it was held that the Court where the case is presently pending has to decide whether the applicant is entitled to get a passport as well as the period for which he is entitled to hold the passport and the Court has also to keep in mind the fact that pendency of a criminal case shall not stand in the way or cause hindrance to decide the future of an applicant.

17. It is further submitted by the learned counsel that in a similar occasion, this Court in WRIT PETITION Nos. 1392 & 2896 of 2023 & 38869 of 2022 has observed that:

105. In the result, the Court passes the following order, disposing of all the writ petitions in the following terms:

(a) The prayer of writ petitioners seeking direction to the respondent passport authorities to renew the passport without insisting on compliance with the notification dated 25.08.1993, notwithstanding the pendency of the criminal case in the Court concerned for trial, is rejected.

(b) A direction is issued to the respondents No.1 to 3 to consider the cases of the petitioners covered under clause (f) of Section 6 (2) of the

⁶ (2021 (2) KHC 752)

Passports Act, for renewal of the passport, on production of the order from the concerned Court where the criminal case is pending for trial.

(c) On production of an order from the concerned Court, as aforesaid, the application for renewal shall not be rejected on the ground of mere pendency of the criminal case in Court, but subject to compliance of other requirements under notification dated 25.08.1993.

(d) If the petitioner approaches the concerned Court where the criminal case is pending trial, for an order, seeking No Objection Certificate / Permission to depart from India or to continue to his departing from India, with respect to those petitioners, who already departed under the passport, the renewal of which is requested, their applications would be considered by the concerned Court, as per law, taking into account the relevant RNT, J WP Nos.1392 of 2023 & 2 ors. 52 facts and circumstances of their respective cases and appropriate orders shall be passed according to law.

(e) The judgment in the case of Vangala Kasturi Rangacharyulu (*supra*) by the Hon'ble Apex Court, shall be considered in the correct perspective, as discussed in this judgment, by the concerned Court.

(f) If there is an additional ground, under any other clause of Section 6 (2), i.e., other than clause (f), the same shall be considered independent of the directions issued in these writ petitions.

(g) The petitioner of W.P.No.2896 of 2023 is granted liberty to approach the Court concerned afresh.

18. He has also placed on record that the Government of India in Office Memorandum No.VI/401/1/1/5/2019 dated 10.10.2019, in which it is clarified that as mere filing of F.I.Rs and the cases under investigation do not come under the purview of Section 6(2)(f) of the Passport Act, 1967.

19. After hearing the learned counsel for petitioner and learned Assistant Government Pleader appearing on behalf of the State, this Court has taken note of the arguments and also the judgments of the Hon'ble Supreme Court and this Court. It is no more *res integra* that renewal of passport under Section

6(2) (f) of the Act cannot be denied unless the cognizance is taken by the competent criminal Court for the offences registered.

20. In the present case, as argued by the learned counsel for the petitioner, it is a fact that in respect of Crime No.69 of 2026 on the file of Railway Koduru Urban Police Station, Tirupathi, still there is no cognizance taken by the learned Magistrate having competent jurisdiction. With regard to other case, C.C.No.243 of 2024, admittedly summons were not served on accused No.2, i.e., the petitioner herein. Conversely, it cannot be also taken that the accused No.2 is exonerated/ discharged from the case. During pendency of the proceedings, in C.C.No.243 of 2024, the competent Court has the jurisdiction to take cognizance. Be that as it may, presently, the petitioner was not issued summons and the ingredients of Section 6(2)(f) of the Passport Act are not attracted and more so, there is no justification on the part of the respondents in not passing orders on the reply submitted by the petitioner, dated 29.04.2026, which certainly causes prejudice to the petitioner in view of law of the land. It is also an established principle that Right to Travel is embedded as a Right under Article 21 of the Constitution of India, apart from infringing the very fundamental right.

21. In nutshell, there is no express order passed denying or rejecting the passport for renewal made by the petitioner *vide* application No.VJFO76628698126 and in view of that matter, respondents are directed to forthwith pass orders for renewing the passport of the petitioner made through

application No.VJFO76628698126, by considering the purport of Section 6(2)(f) of the Act in consonance with Hon'ble Apex Court rulings, which are no more a legal conundrum. This exercise should be completed within a period of two (02) weeks from the date of receipt of this order.

22. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any, shall stand closed.

Dated 21.05.2026
KA/KBN

JUSTICE TUHIN KUMAR GEDELA

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 14514/2026

Dated 21.05.2026
KA/KBN