HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 28619 OF 2025

Between:

Rizwan Mohammed, S/o Mohammed Maqbool, aged about 21 years, Occ. Student, R/o H.No. 17-3-185/10/B, Imam Babda, Yakatpura, Charminar, Hyderabad-500023.

...PETITIONER

AND

1. Union of India, Represented by its Principal Secretary, Ministry of External Affairs, South Block Secretariat, Raisina Hill, New Delhi, Delhi, India.
2. The Regional Passport Office, 73 Red Cross Road, Shivaji Nagar, Secunderabad, Telangana- 500003.
3. Sri. K. Prabhakar, Asst. Sub-Inspector of Police, Santosh Nagar Police Station, Hyderabad.
4. Sr. M. Swamy, Investigation Officer, Sub Inspector of Police, Santosh Nagar Police station, Hyderabad.

RR3 and 4 are impleaded as per C.O.dt.30.10.2025 in IA No.3/2025.

...RESPONDENTS

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 2nd respondent in not entertaining the application no. HY75C5013902323 dated 16/02/2023 of the petitioner for Issuance of passport on the ground he involved in C.C No. 5856 of 2022 on the file of Hon'ble all Addl. Chief Court, Nampally, Hyderabad is pending as illegal, arbitrary, unjust and in violation of principles of natural justice and consequently direct the 2nd Respondent to issue the passport application no.HY75C5013902323 dated 16/02/2023.

IA NO: 1 OF 2025

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 2nd Respondent to issue the passport application no. HY75C5013902323 dated 16-02-2023, pending disposal of the writ petition.

Counsel for the Petitioner: SRI BALA MURALI.Y

Counsel for the Respondent No.1 & 2: SRI K.ARVIND KUMAR, SC FOR CENTRAL GOVT.

Counsel for the Respondent No.3 & 4: GP FOR HOME

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.28619 of 2025

Dated:17.12.2025

Between:

Rizwan Mohammed,
S/o.Mohammed Maqbool,
R/o.Hyderabad.

...Petitioner

AND

Union of India & 3 others.

...Respondents

ORDER:

1. This Writ Petition is filed declaring the action of respondent No.2 in not entertaining the application of the petitioner vide File No.HY75C5013902323, dated 16.02.2023 for issuance of passport on the ground of pending criminal proceedings in C.C.No.5856 of 2022, on the fie of the learned VIII Additional Chief Court, Nampally, Hyderabad, as illegal and consequently direct the respondent No.2 to issue passport to the petitioner without reference to the said criminal proceedings.

2. Heard Sri Y.Bala Murali, learned counsel for the petitioner, Sri K.Arvind Kumar, learned Standing Counsel for Central Government

and learned Government Pleader for Home representing respondent Nos.3 & 4. Perused the record.

3. Learned counsel for the petitioner submits that mere arraignment of the petitioner in a criminal case cannot be a ground for denial of passport. He relies on the judgment of this Court in W.P.No.24690 of 2025, dated 03.09.2025.

4. Learned Standing Counsel for Central Government submits that a crime was registered against the petitioner vide Crime No.134 of 2022, on the file of Santhoshnagar Police Station, registered for the offences punishable under Sections 420, 147, 290, 352, 506 read with 149 IPC and Section 25(1)(B)(b) of Arms Act and the same was numbered as C.C.No.5856 of 2022, which is pending on the file of the learned VIII Additional Chief Court, Nampally, Hyderabad and therefore, refusal to issue passport as per the Passport Rules cannot be said to be illegal.

5. Be that as it may, considering the judgment of the Coordinate Bench of this Court in W.P.No.35056 of 2023, dated 02.01.2024 and the purpose for which the passport is being requested by the petitioner, this Court directs respondent No.2 to issue the passport of the petitioner on the following conditions:

i) The petitioner herein shall submit an undertaking along with an affidavit in C.C.No.5856 of 2022, which is pending on the file of the learned VIII Additional Chief Court, Nampally, Hyderabad, stating that he shall not leave India during pendency of the said C.C. without permission of the Court and that he shall cooperate with Trial Court in concluding the proceedings in the said C.C.

ii) On filing such an undertaking as well as affidavit, the Trial Court shall issue a certified copy of the same within two (2) weeks there from;

iii) The petitioner herein shall submit an application afresh along with certified copy of this order as well as the aforesaid undertaking before the Passport Officer/ Authority concerned for issuance of passport;

iv) On filing such an application, the Passport Officer/ Authority shall consider the same afresh in the light of the observations made by this Court herein as well as the contents of the undertaking given by the petitioner for issuance of passport, in accordance with law, within three (03) weeks from the date of said application;

v) On issuance of the passport, the petitioner herein shall deposit the same before the Trial Court in C.C.No.5856 of 2022.

vi) However, liberty is granted to the petitioner herein to file an application before the learned Magistrate seeking permission to travel abroad and it is for the learned Magistrate to consider the same in accordance with law.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/-P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Ministry of External Affairs, South Block Secretariat, Raisina Hill, New Delhi, Delhi, Union of India.
2. The Regional Passport Office, 73 Red Cross Road, Shivaji Nagar, Secunderabad, Telangana- 500003.
3. Sri. K. Prabhakar, Asst. Sub-Inspector of Police, Santosh Nagar Police Station, Hyderabad.
4. Sr. M. Swamy, Investigation Officer, Sub Inspector of Police, Santosh Nagar Police station, Hyderabad.
5. The VIII Additional Chief Court, Nampally, Hyderabad.
6. One CC to SRI BALA MURALI.Y, Advocate [OPUC]
7. One CC to SRI K.ARVIND KUMAR, SC FOR CENTRAL GOVT. [OPUC]
8. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
9. Two CD Copies

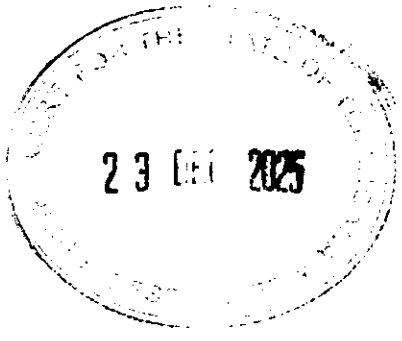
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HIGH COURT

DATED: 17/12/2025

ORDER

WP.No.28619 of 2025



DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

(12) kpg

23/12/25