APHC010476142026

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)**

MONDAY, THE 5th DAY OF OCTOBER 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 26196/2026

Between:

1. SMES CORPORATION LTD, A COMPANY INCORPORATED UNDER THE LAWS OF THE REPUBLIC OF THE MARSHALL ISLANDS HAVING ITS REGD OFFICE AT TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND MAJURO REPUBLIC OF THE MARSHALL ISLANDS MH 96960 REP BY ITS AUTHORISED REPRESENTATIVE VIJAY KUMAR S O LATE GOPAL SINGH AGED ABOUT 57 YEARS OCC BUSINESS R O 28 B HUMAYUNPUR VILLAGE SAFDARJUNG ENCLAVE SOUTH WEST DELHI DELHI 110029

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT HOME DEPARTMENT AP SECRETARIAT VELAGAPUDI AMARAVATI GUNTUR DISTRICT ANDHRA PRADESH
2. THE SUPERINTENDENT OF POLICE, S P S R NELLORE DISTRICT ANDHRA PRADESH 3 THE INSPECTOR OF POLICE KRISHNAPATNAM PORT CIRCLE S P S R NELLORE DISTRICT ANDHRA PRADESH
3. THE INSPECTOR OF POLICE, KRISHNAPATNAM PORT CIRCLE S P S R NELLORE DISTRICT ANDHRA PRADESH
4. THE STATION HOUSE OFFICER, KRISHNAPATNAM POLICE STATION MUTHUKUR MANDAL S P S R NELLORE DISTRICT ANDHRA PRADESH REP BY THE LEARNED PUBLIC PROSECUTOR HIGH COURT OF ANDHRA PRADESH AT AMRAVATI

5. THE MERCANTILE MARINE DEPARTMENT, CHENNAI REPRESENTED BY ITS PRINCIPAL OFFICER ANCHOR GATE BUILDING 2ND FLOOR RAJAJI SALAI GEORGE TOWN CHENNAI 600 001 TAMIL NADU
6. THE DIRECTORATE GENERAL OF SHIPPING, REP BY ITS DIRECTOR GENERAL 9TH FLOOR BETA BUILDING I THINK TECHNO CAMPUS KANJURMARG EAST MUMBAI 400 042 MAHARASHTRA
7. V, REP BY ITS DEPUTY CONSERVATOR PORT OFFICER KRISHNAPATNAM PORT MUTHUKUR MANDAL S P S R NELLORE DISTRICT ANDHRA PRADESH
8. SRI RAVILISETTY RAMA SUBBA RAO, DE FACTO COMPLAINANT S O SRI CHINNA MASTHAN RAO AGED ABOUT 58 YEARS ENGINEER AND SHIP SURVEYOR CUM DEPUTY DIRECTOR GENERAL TECHNICAL MERCANTILE MARINE DEPARTMENT CHENNAI ANCHOR GATE BUILDING 2ND FLOOR RAJAJI SALAI GEORGE TOWN CHENNAI 600 001 TAMIL NADU

...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 toissue a Writ Order or Direction more particularly one in the nature of a WRIT OF CERTIORARIFIED MANDAMUS a quashing FIR No 08 of 2026 dated 14 03 2026 Cr No 08 2026 on the file of the Krishnapatnam Police Station S P S R Nellore District and all proceedings taken pursuant thereto insofar as the Petitioner its Directors officers authorised representatives and the Master and crew of the vessel M T FUJI CHEM IMO No 1126930 are concerned b issue a direction quashing the proceedings of the 3rd Respondent dated 27 08 2026 and in particular the endorsement therein requesting the 7th Respondent to continue to withhold Port Clearance for the sailing shifting or towage of the vessel M T FUJI CHEM pending further orders of the 3rd Respondent c issue a direction to the 2nd to 4th Respondents to issue forthwith the Police No Objection Certificate clearance sought by the Petitioners representation dated 24 08 2026 for the movement of the vessel M T FUJI CHEM from Krishnapatnam Port to the designated ship recycling facility subject to such conditions and safeguards as this Honble Court may impose issue a direction to the 7th Respondent not to withhold Port Clearance in respect of the vessel M T FUJI CHEM on the strength of the impugned First Information Report or the impugned order dated 27 08 2026 and to give effect to the judgment dated 17 06 2026 of this Honble Court in Commercial Suit No 8 of 2026 e directing the 5th and 6th Respondents to grant Single Voyage Permission to the vessel M T FUJI CHEM IMO No 1126930 to proceed from Krishnapatnam Port to the ship recycling facility to Alang Ship Breaking Yard

Gujarat under her own propulsion and not by towage upon the Petitioner satisfying the two remaining conditions stipulated by the 6th Respondent by its communication dated 31 08 2026 and to declare that the Petitioner shall not be compelled to effect the removal of the Vessel by towage f direct the release of the vessel M T FUJI CHEM to the Petitioner under Section 497 of the Bharatiya Nagarik Suraksha Sanhita 2023 upon such terms as this Honble Court may impose including the photographing videographing panchnama excision sealing surrender and preservation of the hull engravings machinery identification plates and other components of evidentiary relevance g restrain Respondents 1 to 4 from taking any coercive steps including arrest against the Petitioner its Directors officers authorised representatives and the Master and crew of the vessel M T FUJI CHEM pursuant to the impugned First Information Report h award the costs of this Writ Petition to the Petitioner

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 dispense with the filing of the certified copy of F.I.R. No. 08 of 2026 dated 14.03.2026 registered in Crime No. 08 of 2026 on the file of the Krishnapatnam Police Station, Muthukur Mandal, S.P.S.R. Nellore District and be pleased to receive and act upon the photocopy thereof filed along with the Writ Petition,

IA NO: 2 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 suspend the operation of the order of the 3rd Respondent dated 27.08.2026, and in particular the endorsement therein requesting the 7th Respondent to continue to withhold Port Clearance for the sailing, shifting or towage of the vessel M.T. FUJI CHEM

IA NO: 3 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 stay all further proceedings in and pursuant to F.I.R. No. 08 of 2026 dated 14.03.2026 insofar as the Petitioner, its Directors, officers, authorised representatives and the Master and crew of the vessel are concerned, and direct that no coercive steps including arrest be taken against them

IA NO: 4 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 direct the 2nd to 4th Respondents to issue the Police No Objection Certificate

the 7th - Respondent movement of the vessel M.T. FUJI CFIEM to the designated ship-recycling facility

IA NO: 5 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 direct the 5th and 6th Respondents to grant Single Voyage Permission to the vessel M.T. FUJI CFIEM (IMG No. 1126930) to proceed from Krishnapatnam Port to the ship-recycling facility to Alang Ship Breaking Yard, Gujarat under her own propulsion and not by towage, upon the Petitioner satisfying the two remaining conditions stipulated by the 6th Respondent by its communication dated 31.08.2026

IA NO: 6 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 may be pleased to received additional documents the petitioner to file (1) Copy of email correspondence dt.09-01-2026, 10-01-2026, 11-01-2026, 19-01-2026 and 20-01-2026 among the Respondents 5 and 6 and Petitioner relating to detention order; (2) Copy of email dt. 27-01-2026, 25-01-2026 and 23-01-2026, among Respondents 5 and 6 and Petitioner for permission to shift M.T.Fuji Chem from Berth to Anchorage —within port limits; (3) Copy of email dt. 17-01-2026, 16-01-2026 and 14-01- 2026, among Respondents 5 and 6 and Petitioner for permission to shift M.T.Fuji Chem from inner anchorage; (4) Copy of email dt. 31-08-2026 and 25- 08-2026 among Respondents 5 and 6 and Petitioner for permission to shift M.T. Fuji Chem requirements for undertaking Voyage on own propulsion; in the interest of justice, and pass

Counsel for the Petitioner:

1. S CHAKRAPANI

Counsel for the Respondent(S):

1. GP FOR HOME
2. G.ARUN SHOWRI(CENTRAL GOVT. COUSEL)

ORDER

This Writ Petition was initially filed seeking to quash Crime No. 8 of 2026 on the file of Krishnapatnam Police Station, SPSR Nellore District, and for consequential reliefs, including a direction to the police authorities to issue a No Objection Certificate (NOC) permitting the vessel, M.T. Fuji Chem, to proceed from Krishnapatnam Port to the designated ship-recycling facility at Alang Ship Breaking Yard, Gujarat, under her own propulsion. Subsequently, however, the petitioner restricted the relief sought in the Writ Petition solely to issuance of the NOC permitting the vessel to undertake a one-time voyage, under her own propulsion and not by towage, from Krishnapatnam Port to Alang Ship Breaking Yard.

2. Heard Sri P. Niroop, learned Senior Counsel, assisted by Sri S. Chakrapani, learned counsel for the petitioner; Sri Challa Dhananjaya, learned Additional Solicitor General, assisted by Sri G. Arun Showri, learned Central Government Counsel; and Sri Farooq, learned Assistant Government Pleader for Home.

3. Sri P. Niroop, learned Senior Counsel, reiterating the averments in the writ affidavit, submitted that the subject vessel has been detained by Respondent Nos. 5 and 6 on account of an alleged discrepancy in its registration number. The learned senior counsel submits that the petitioner having admitted that there was discrepancy in registration number as alleged

by police proposed to scrap and dismantle the vessel at the Alang Ship Breaking Yard, Gujarat. He further submitted that, despite seeking the requisite permissions for movement of the vessel for ship-breaking, the necessary clearances have not been issued. The petitioner is ready and willing to furnish adequate security or execute such bond as may be required by the competent authorities. The learned senior counsel, therefore, prayed for a direction to the SHO for issuance of a No Objection Certificate (NOC), enabling the vessel to undertake a one-time voyage to Alang for dismantling and recycling.

4. On the other hand, Sri Challa Dhananjaya, learned Additional Solicitor General, submitted that Respondent Nos. 5 and 6 have no objection for issuance of the NOC, subject to the petitioner complying with the conditions stipulated in the check-list furnished.

5. Sri Farooq, learned Assistant Government Pleader for Home, submitted that, in connection with the crime registered in respect of the vessel, 27 witnesses have so far been examined and the investigation is still in progress. That the owner of the vessel has not been cooperating with the investigation and, for that reason, the police authorities have not been able to conclude the investigation and file the charge sheet and in case the vessel is permitted to sail as sought for by the petitioner, securing the presence of

owner of the vessel for further investigation would become impossible. He further submitted that, if the owner of the vessel appears before the investigating agency, cooperates with the investigation and fulfils all the conditions stipulated in the check-list & other conditions, if any imposed by the police authorities would have no objection to issuing the NOC sought by the petitioner.

6. In reply, Sri P. Niroop, learned Senior Counsel, submitted that Sri Manoj Kanal, owner of the vessel, along with his authorized representative, Sri Vijay Kumar, would appear before the concerned Station House Officer on 12.10.2026 and comply the requirements stipulated by the authorities.

7. There is merit in the contention raised by the learned Assistant Government Pleader for Home that the presence and cooperation of the vessel's owner are necessary to conclude the investigation. However, since the owner of the vessel has explicitly admitted to the discrepancy regarding the vessel's registration number and wants to scrap it, continued detention of the vessel is unwarranted. The owner's presence and cooperation can instead be effectively secured by imposing appropriate conditions.

8. Having considered the submissions of the learned counsel for the respective parties, this Court finds that the controversy now lies within a narrow compass.

9. Learned Senior Counsel for the petitioner submitted that the vessel's owner is ready and willing to appear before the investigating authority, satisfy all conditions stipulated in the prescribed checklist, and abide by any further conditions imposed by the concerned Station House Officer (SHO). In response, the learned Assistant Government Pleader fairly conceded that upon such compliance, the police authorities would have no objection to the issuance of the No Objection Certificate (NOC).

10. In view of these submissions, and noting that the petitioner acknowledges the discrepancy regarding the registration number, the continued stationing of the vessel for investigative purposes is deemed unnecessary. Furthermore, as the relief now sought is strictly confined to permitting a single, one-time voyage of the vessel to the Alang Ship Breaking Yard for dismantling, this Writ Petition can be disposed of without expressing any opinion on the merits of the underlying crime or the pending investigation. The checklist filed along with the memo shall form an integral part of this order.

10. Accordingly, the Writ Petition is disposed of directing Sri Manoj Kanal, owner of the vessel, along with his authorized representative, Sri Vijay Kumar, to appear before the Station House Officer, Krishnapatnam Police Station, on 12.10.2026, cooperate with the investigation and fulfill all the

conditions stipulated in the check-list and the conditions, if any, imposed to the satisfaction of the Station House Officer. Upon such compliance, the competent authorities shall issue the necessary NOC and permit the vessel to undertake a one-time voyage, under her own propulsion, from Krishnapatnam Port to Alang Ship Breaking Yard, Gujarat, solely for dismantling and recycling. There shall be no order as to costs.

Registry shall enclose copy of the checklist to this order.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

5TH October, 2026 RR

Note: issue C.C. on 7.10.2026.
B/o
RR