APHC010605302026

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

MONDAY, THE 23rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33121/2026

Between:

1. RAMAPURAM GAUTHAM,, S/O. RAMAPURRAM RAJASEKHAR, AGED ABOUT 36 YEARS, OCC EMPLOYEE, R/O. D. NO. 17-115, MAIN ROAD, B. KOTHAKOTA (P AND M), ANNAMAYYA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. UNION OF INDIA, MINISTRY OF EXTERNAL AFFAIRS, REPRESENTED 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, BENGAIURU, 8TH BLOCK, 80 FEET ROAD, KORAMANGALA, BENGALURU, KARNATAKA 560095.
4. THE SUBDIVISIONAL POLICE OFFICER, MADANAPALLE, ANNAMAYYA DISTRICT, ANDHRA PRADESH 517325.
5. THE STATION HOUSE OFFICER, B. KOTHAKOTA POLICE STATION, B. KOTHAKOTA POST AND MANDAL, ANNAMAYYA DISTRICT, ANDHRA PRADESH 517370.

...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 inaction of the Respondents, particularly Respondent no. 3 in reissuing the petitioner's Passport bearing No. J9828319 pursuant to the application vide File number File No. BN2075825998325 dated 27.10.2025 on the ground of pending criminal case as illegal, arbitrary, unconstitutional and unjust and in violation of Article 14, 19 and 21 of the Constitution of India and violation of principles of natural justice and contrary to the provisions of the Passports Act, 1967 and consequently direct the Respondents to reissue petitioner's passport bearing No. J9828319 in consideration of the application vide File number File No. BN2075825998325 dated 27.10.2025 for the period of validity permissible under law

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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 Respondents to process the application vide File number BN2075825998325 dated 27.10.2025 for reissuance of Passport bearing no. J9828319, considering the Petitioner's explanation dated 20.01.2026 to the Objection Letter Ref no. OBJ/1052602874/25 dt. 05.12.2025 and without reference to the criminal case, in accordance with law

Counsel for the Petitioner:

1. MANDAVA ABHIGNA

Counsel for the Respondent(S):

1. GP FOR HOME
2. T NIRANJAN Deputy Solicitor General of India

The Court made the following:

ORDER:

The grievance of the petitioner, in short, is that the passport authorities are not reissuing his passport, on the ground of registration of criminal case against him.

2. Heard Ms Mandava Abhigna, learned counsel for the petitioner and Sri T.Niranjan, learned Deputy Solicitor General and learned Assistant Government Pleader for Home for the respondents.

3. Learned counsel for the petitioner, would submit that charge sheet is yet to be filed and mere registration of Crime would not amount to pendency of criminal proceedings before a Criminal Court. Unless a Criminal Proceedings are pending before a Criminal Court as envisaged under Section 6(2)(f) of the Passports Act, 1967, the passport authorities cannot deny renewal of the passport. Thus, the action of the passport authorities is not justified. Hence, prayed to allow the Writ Petition.

4. On the other hand, the learned Assistant Government Pleader for Home would submit that pursuant to the adverse police verification the authorities declined to consider the application submitted by the petitioner for renewal of his passport. Hence, there are no merits in the writ petition and the same deserves dismissal.

5. Section 6(2) of the Passport Act, 1967 is germane and the same is extracted hereunder:

Section 6(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: -*

(a) that the applicant is not a citizen of India.,
(b) that the applicant may, or is likely to, engage outside India in activities prejudicial to the sovereignty and integrity of India.,
(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;
(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;
(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;
(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;
(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;
(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;
(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest.

6. Section 6(2) (f) relates to a situation where the applicant is facing trail in a criminal court. Section 6(2)(f) of the Passport Act, 1967, has been considered on several occasions by the Hon'ble Apex Court and High Courts. The Hon'ble Supreme Court as well as various High Courts held that mere pendency of a First Information Report cannot be the

legal basis for denial of issuance of a regular passport to the petitioner and that it is only after cognizance is taken by an appropriate Court that it can be held that criminal proceedings have commenced and issuance or renewal of the passport would depend on no objection being given by the concerned court.

7. In ***Vagala Venkata Siva Kumar Vs State of Andhra Pradesh***, this Court has categorically held that, 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.

8. In view of the observations held above, unless charge sheet is filed and the same is taken cognizance of by the concerned committal Court, mere registration of a crime would not amount to pendency of criminal proceeding, which empowers the passport authorities to withhold issuance or renewal of passport. In the instant case, the submissions made by both the learned counsel would indicate that charge sheet is yet to be filed. Thus, Section 6(2)(f) would not attract to the facts of the case.

9. In view of the same, this Writ Petition is ***disposed of***, directing the authorities to reissue the passport to the petitioner, if it meets all the necessary requirements, other than the objection regarding pendency of crime. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 23rd November, 2026
RKS