



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

[3331]

FRIDAY ,THE NINTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13133/2025

Between:

Ravi Ramesh,

...PETITIONER

AND

The Union Government Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.PILLIX LAW FIRM

Counsel for the Respondent(S):

1.GP FOR HOME

2.

The Court made the following ORDER:

Heard Sri P.Aditya Harsha Vardhan, learned counsel for petitioner, learned Deputy Solicitor General for respondents 1 & 2 and Sri Ajay, learned Assistant Government Pleader for Home for respondents 3 and 4.

2. The above writ petition is filed to declare the action of 2nd respondent in not renewing/reissuing the passport in pursuance of the application made by the petitioner VJ9077541666125 dated 08.04.2025 due to the pendency of Crime No.40/2016 dated 12.04.2016 under Sections 407 and 406 IPC of N.G.Police Station, Prakasam District, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that the petitioner was issued passport bearing No.Z3223492 for ten (10) years with effect from 22.05.2015 to 21.05.2025. The petitioner applied for renewal/reissuance of passport on 08.04.2025. A shortfall notice (Ex.P.2) dated 26.04.2025 was issued to the petitioner due to an adverse police verification report. The petitioner submitted explanation on 30.04.2024 (Ex.P.3). Despite the explanation, the 2nd respondent has not renewed/reissued the passport. Learned counsel would submit that mere pendency of a crime is not a ground.

4. Learned Assistant Government Pleader for Home, on instructions would submit that final report filed by the police before the jurisdictional Court i.e. the learned Judicial First Class Magistrate-cum-Excise Court, Ongole. The same was returned and again resubmitted on 16.04.2024. However, the Court has not taken cognizance so far.

5. Section 6 of 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;

6. The Hon'ble Apex Court in **Maneka Gandhi v. Union of India**¹, observed that the right to travel abroad is a part of personal liberty and the right to possess a passport etc., can only be curtailed following law and not on the subjective satisfaction of anyone.

¹ (1978) 1 SCC 248; AIR 1978 SC 597

7. The two judge bench of the Hon'ble Apex Court in its decision reported in **Satish Chandra Verma v. Union of India (UOI) and others**², observed as under:

"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."

8. The Hon'ble Apex Court in **Sumit Mehta v. State of NCT of Delhi**³, observed as follows:

"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."

9. The Division Bench of this Court in W.A.No.383 of 2024, considered the aspect of cognizance by the jurisdictional 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

² LAWS 2019(2) SCC Online SC 2048

³ 2013 (15) SCC Page 570

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."

10. In the case at hand, the jurisdictional court has not taken any cognizance. Mere pendency of crime is not a bar for renewing/reissuing the passport.

11. Given the facts and circumstances of the case, the writ petition is disposed of, at the admission stage directing the 2nd respondent to renew/re-issue the passport of the petitioner, in pursuance of the application made by the petitioner vide VJ9077541666125 dated 08.04.2025, without reference to crime No.40 of 2016 dated 12.04.2016. There shall be no order as to costs.

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

Dated 09.05.2025
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JUSTICE SUBBA REDDY SATTI

219

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13133/2025

Dated 09.05.2025
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