



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

[3331]

MONDAY ,THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 5914/2025

Between:

Raja Shekar Kothapalli

...PETITIONER

AND

The Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.BHARGAVA RAJU MANTHINA

Counsel for the Respondent(S):

1.GP FOR HOME

2.SRIDHAR TUMMALAPUDI (CENTRAL GOVT COUNSEL)

The Court made the following:

::ORDER::

Heard Sri M. Bhargava Raju, learned counsel for the petitioner;
Sri T. Sridhar, learned standing counsel for respondents, 1, 3 and 4 and Sri
Ajay, learned Assistant Government Pleader for Home, for respondents 2, 5
and 6.

2. The petitioner's passport, issued on 15.02.2012 vide K.1835241 expired on 14.02.2022. The petitioner made an application vide reference No.24-10-1013014525 dated 14.11.2024. Complaining inaction of respondents 3 to 6 in issuing a passport to the petitioner, the above writ petition is filed.

3. At the hearing, learned counsel for the petitioner submitted that the petitioner's application for renewal of passport was rejected on the ground that a criminal case vide crime No.537 of 2024 of Panamaluru Police Station, Vijayawada City, is pending against the petitioner. He submitted that earlier crime No.685 of 2019 was registered against the petitioner by Patamata Police Station, Vijayawada City, which was numbered as C.C.No.1711 of 2021 on the file of the learned IV ACMM Court and the same was settled before Lok Adalat. In respect of crime No.537 of 2024, learned counsel for the petitioner would submit that the Police filed a charge sheet on the file of VI MM Court.

4. Learned Assistant Government Pleader for Home endorsed regarding settlement recorded before the Lok Adalat in respect of crime No.685 of 2019 of Patamata Police Station, Vijayawada City (C.C.No.1711 of 2021). Insofar as crime No.537 of 2024 is concerned, the learned Assistant Government Pleader submitted that the learned Magistrate has taken cognizance and the criminal case is coming up for trial.

5. As seen from the material, there is no dispute about the issuance of the passport to the petitioner, submission of an application by the petitioner for re-issuance of the passport and non-renewal of the passport. The material discloses that, due to the pendency of a criminal case against the petitioner, the passport was not renewed. As per the contention of the learned Assistant Government Pleader for Home, the criminal case is coming up for trial. Since

the jurisdictional Court has taken cognizance, the petitioner has to make an appropriate application before the jurisdictional Magistrate.

6. In the order dated 29.10.2024 in W.A.No.383 of 2024, the Division Bench of this Court, considered Section 6(2)(f) of the Act, the judicial proceedings pending against individual and also taking cognizance by the Magistrate and observed as under:

“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 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.”

7. Once the Court has taken cognizance, the petitioner has to approach the jurisdictional Court and make an appropriate application.

8. Given the above facts and circumstances of the case, since the learned Magistrate has taken cognizance, this Writ Petition is disposed of at the admission stage with the consent of learned counsel on either side, directing the petitioner to make appropriate application before the jurisdictional Magistrate, seeking appropriate orders. If such an application is filed by the petitioner, the learned Magistrate shall consider and pass appropriate orders

keeping in view the decisions reported in **Khader Vali Shaik vs. Union of India**¹ and **Parchuri Ashok Babu vs. Union of India**², as expeditiously as possible. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 17.03.2025
IKN

¹ 2023 SCC OnLine AP 406

² 2022 SCC OnLine AP 2188 / W.P.No.30373 of 2022

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