



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

[3331]

**TUESDAY ,THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 6241/2025

Between:

Dr Medarmetla Manju Bhargavi

...PETITIONER

AND

The Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.SREEKANTH REDDY AMBATI

Counsel for the Respondent(S):

1.P VIJAYA KUMARI(CENTRAL GOVT COUNSEL)

The Court made the following ORDER:

Heard Sri Sreekanth Reddy Ambati, learned counsel for the petitioner and Sri P.Vijaya Kumar, learned Central Government Counsel, appeared for respondents 1 and 2.

2. The above writ petition is filed impugning the proceedings vide File No.VJ2077360341525 dated 21.02.2025 issued by the 2nd respondent, as illegal, arbitrary and violative of Article 21 of the Constitution of India.

3. (a) The petitioner applied for re-issuance of a passport, to the authority, vide No.L4726231 on 17.02.2023 before expiry of passport which was issued for a period of ten years on 23.09.2013 till 22.09.2023.

(b) On receipt of the application, the 2nd respondent sought a police verification report from the Station House Officer, Sanjeeva Reddy Nagar Police Station, Hyderabad. On verification, it was found that a criminal case is pending against the petitioner and others vide C.C.No.3546 of 2021 for the offences punishable under Sections 406, 420 r/w 34 of IPC on the file of III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. Thereafter, the 2nd respondent issued a letter dated 30.05.2023 to the petitioner seeking clarification regarding adverse police verification report.

(c) The petitioner, on receipt of the letter, submitted explanation dated 06.06.2023. Thereafter, the petitioner filed W.P.No.12922 of 2024 to declare the action of 2nd respondent in not renewing the petitioner's passport and the said writ petition was disposed of on 02.07.2024 directing the 2nd respondent to renew the petitioner's passport without any objection regarding the criminal case vide C.C.No.3546 of 2021 on the file of the III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. While disposing of the writ petition, it was observed that if the petitioner intends to travel abroad, she shall obtain prior permission from the III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad and the petitioner shall appear before the Court whenever her presence is required. Thereafter, the petitioner's passport was renewed on 02.08.2024 for one more year till 01.08.2025 (Ex.P.10)

(d) The petitioner made an application for renewal of passport on 31.01.2025 vide file No.VJ2077360341525. The petitioner received a letter dated 10.02.2025 seeking clarification in respect of criminal case pending in C.C.No.3546 of 2021. The petitioner appeared before the 2nd respondent on

21.02.2025 and explained the status of the case. The 2nd respondent by the proceedings impugned directed the petitioner to obtain permission to travel abroad from the Court where the criminal case proceedings are still pending as per the as per GSR 570 (e) dated 25.08.1993.

4. Learned counsel for the petitioner would submit that the petitioner in fact, filed Crl.M.P.(SR) No.1616 of 2023 dated 17.04.2023 in C.C.No.3546 of 2021 seeking permission to renew the passport. As per the case status, the bundle is not sent to bench for calling and since bundle is not in access to PO, the supplementary docket sheet is opened on 24.11.2024 and the same step is being carried out till 03.02.2025. Learned counsel would submit that the petitioner, in fact filed a discharge petition and the same is also pending before the Court vide Crl.MP(SR) No.1339 of 2023.

5. Learned counsel appearing for the respondents 1 and 2 would submit that since a charge sheet has been filed and the jurisdictional Court has taken cognizance, the petitioner has to make application before the same Court. Learned counsel relied upon the Division Bench judgment in W.A.No.383 of 2024.

Consideration:

6. As seen from the material, there is no dispute about filing of writ petition No.12922 of 2024 on earlier occasion and disposal of the same on 02.07.2024 (Ex.P.8). In pursuance of the order dated 02.07.2024, the petitioner was issued passport for short period of one year and the same was expired on 31.01.2025.

7. A Division Bench of this Court, in the order dated 29.10.2024 in W.A.No.383 of 2024, 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.”

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

9. In the case at hand, admittedly, even as seen from the discharge petition filed by the petitioner, the criminal court has taken cognizance in C.C.No.3546 of 2021. In that scenario, the petitioner has to necessarily approach the criminal court wherein the criminal proceedings are pending. In fact, the petitioner approached the criminal court and filed Crl.M.P.(SR)No.1616 of 2023 for renewal of passport and the same is not disposed of so far.

10. This Court has no superintendence powers over the learned III Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. As seen from

the e-Court Services Daily Status, it seems, CC bundle is not available and the learned Court adjourned the matter from time to time. In view of the matter, the petitioner has to take necessary steps by making necessary application before the appropriate Court.

11. Given the facts and circumstances of the case, the writ petition is disposed of giving liberty to the petitioner to move with an appropriate application before appropriate Court for redressal of grievance. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 18.03.2025
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 6241/2025

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