



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

[3331]

THURSDAY, THE ELEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 15210/2026

Between:

1. B SAI VENKATESH, S/O. K. BABU, AGED AROUND 30 YEARS, R/O. GUNTA KATTA STREET, VADAMALAPETA VILLAGE VADAMALAPETA MANDAL, CHITTOOR DISTRICT, ANDHRA PRADESH – 517551.

...PETITIONER

AND

1. THE UNION OF INDIA, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI-110011 REP BY ITS SECRETARY
2. THE STATE OF ANDHRA PRADESH, HOME DEPARTMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238
3. THE REGIONAL PASSPORT OFFICE, REGIONAL PASSPORT OFFICE, 4TH FLOOR, STALIN CENTRAL, D.NO. 27-37-158, GOVERNORPET, M.G. ROAD, VIJAYAWADA- 520002 REP BY ITS REGIONAL PASSPORT OFFICER
4. THE SUPERINTENDENT OF POLICE, TIRUPATI DISTRICT-517501
5. THE STATION HOUSE OFFICER, TIRUCHANUR POLICE STATION, TIRUPATI DISTRICT-517503

...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 the writ of MANDAMUS declaring the action of the Respondents, more particularly the Respondent No.3 herein, in keeping the Petitioner's application for issuance of Police Clearance Certificate on hold, sine die, vide File No. VJ1085023140726 dated 04.05.2026, and consequently not issuing the Police Clearance Certificate to the Petitioner, thereby disabling the petitioner from travelling to the Commonwealth of Australia for the purpose of onsite employment with M/s. Tech Mahindra Limited, solely on the ground of pendency of criminal proceedings in C.C. No. 1876 of 2022 on the file of Hon'ble V Additional Judicial Magistrate of First Class, Tirupati, despite the fact that the allegations against the Petitioner are vague and omnibus, and despite the further fact that the Hon'ble Trial Court had dispensed with the personal attendance of the Petitioner vide Order dated 11.03.2024 in CrI.M.P. No. 1411 of 2023 in C.C. No. 1876 of 2022, as being arbitrary, unreasonable, illegal, contrary to the provisions of the Passports Act, 1967 and the Rules made thereunder, and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently direct the Respondents herein to forthwith issue Police Clearance Certificate to the Petitioner within the time period as this Hon'ble Court may fix in accordance with the law and/or pass

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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 to direct the Respondents herein to forthwith issue Police Clearance Certificate to the Petitioner within the time period as this Hon'ble Court may fix in accordance with the law and pass

Counsel for the Petitioner:

1.KANDERI CHETHAN

Counsel for the Respondent(S):

1.GP FOR HOME

2.DEPUTY SOLICITOR GENERAL OF INDIA

The Court made the following:

::ORDER ::

Heard Sri K.Chetan, learned counsel for the petitioner, Sri P.Niranjan, learned Deputy Solicitor General appearing for respondent Nos.1 and 3 and learned Assistant Government Pleader for Home appearing for respondent Nos.2, 4 and 5.

2. The above writ petition was filed to declare the action of respondent No.3 in not issuing the Police Clearance Certificate, pursuant to the petitioner's application vide File No.VJ1085023140726 dated 04.05.2026, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that the petitioner is employed with M/s. Tech Mahindra Limited, Bangalore. The petitioner is holding an Indian Passport vide bearing No.S0935112, valid up to 15.03.2028 (Ex.P2). The petitioner was offered an on-site employment opportunity in the Commonwealth of Australia by M/s. Tech Mahindra vide offer letter dated 23.04.2026. The petitioner is required to obtain the Police Clearance Certificate as a precondition for processing his Australian Work Visa. Accordingly, the petitioner filed an application vide Ex.P1. However, respondent No.3 has not issued the Police Clearance Certificate so far.

4. Learned counsel for the petitioner would further submit that a case in Crime No.459 of 2021 of Tiruchanur Police Station was registered against the petitioner and others, wherein the petitioner was arrayed as accused No.7. The Investigating Officer filed a final report before the V Additional Judicial

Magistrate of First Class, Tirupati, which was numbered as C.C.No.1876 of 2022. The jurisdictional court has taken cognisance thereof. The petitioner filed CrI.M.P.No.1411 of 2023 in C.C.No.1876 of 2022 seeking dispensation of his personal appearance and permission to permit accused No.3 to represent him. The said petition was allowed on 11.03.2024.

5. Learned Assistant Government Pleader for Home, submitted the written instructions of the Sub Inspector of Police, respondent No.5.

6. As seen from the written instructions, the Investigating Officer filed a final report before the jurisdictional Court, and the Court has taken cognisance thereof. The offence alleged against the petitioner is under Section 324 of IPC. The Calendar Case stands posed to 27.05.2024 for examination of L.Ws.1 to 3.

7. Sri P.Niranjan, learned Deputy Solicitor General, on instructions, would submit that, due to the involvement of the petitioner in the aforementioned case, the Police Clearance Certificate has not been issued by respondent No.3. He would further submit that issuing the Police Clearance Certificate is a voluntary service being given for the benefit of Indian citizens and there is no underlying duty cast on respondent No.3, by virtue of any provision of law or Judgment of the Court.

8. The facts referred to supra do not require reiteration. A Coordinate Bench of this Court, in W.P.No.708 of 2021, considered an identical issue. In

the said case, a Calendar Case was pending against the petitioner therein on the file of IV Additional Chief Metropolitan Magistrate, Vijayawada, vide C.C.No.737 of 2016. Eventually, the learned Single Judge allowed the writ petition and directed the respondent authority to consider the request of the petitioner for issuance of the Police Clearance Certificate. Another Coordinate Bench, in W.P.No.19480 of 2022, directed the authority to issue the Police Clearance Certificate by recording the pendency of the case filed against the petitioner therein, which had come to the notice of the authority.

9. In the case at hand, a case vide C.C.No.1876 of 2022 on the file of V Additional Judicial Magistrate of First Class, Tirupati, is pending against the petitioner. Apart from that, the Police Clearance Certificate, as noted supra, is a voluntary certificate issued for the benefit of Indian citizens.

10. Given the facts and circumstances of the case, this Writ Petition is disposed of, directing respondent No.3 to issue the Police Clearance Certificate by recording the pendency of the case against the petitioner, enabling him to secure an Australian Work Visa, within ten (10) days from the date of receipt of a copy of this order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 11.06.2026
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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