

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 12838 OF 2026

Between:

Harshavardhan Cheemakurthy, aged about 37 years, S/o.Narayana Murthy,
Occupation: Private Employment as, Software Engineer, R/o.Flat No.B-204,
Delight - Bobbili Empire, Jayabheri Park, Kompally, Medchal - Malkajgiri
District - 500014.

...PETITIONER

AND

1. The Union of India, Represented by its Joint Secretary, Ministry of External Affairs, CTV Division, TV1 Section, Patiala House, Annexe. Government of India, New Delhi
2. The Regional Passport Officer, Regional Passport Officer, D.No.8-2-215 to 219, Kummarguda, Secunderabad, Telangana - 500003.

...RESPONDENTS

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 particularly in the nature of Writ of Mandamus directing the respondents not to take coercive steps like withdrawing the petitioner Passport No.AM688645 issued on 11-2-2026 and valid till 10-2-2036 and restricting his overseas travel due to his job needs in view of the action initiated by the 2nd respondent in letter Ref.No.SCN/1054018682/26 in file No.HY1076381646326 dated 4-3-2026 for the reasons that criminal case is pending in C.C.No.987 of 2022 taken cognizance under Sections 304 A, 338 IPC on the file of JFCM Court, Nalgonda by declaring the action of the 2nd respondent in initiation of proceedings in his letter Ref No. SCN/1054018682/26 in file No.HY 1076381646326 dated 4-3-2026 as illegal and arbitrary.

I.A. NO: 1 OF 2026

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 2nd respondent not to take any coercive steps of withdrawing the petitioner's passport with No.AM 688645 issued on 11-2-2026 and valid till 10-2-2036 and restricting his overseas travel due to his job needs pending consideration of the petitioner explanation made on 16-3-26 for the show cause notice issued by the 2nd respondent in his letter Ref.No. SCN/1054018682/26 in file no.HY1076381646326 dated 4-3-2026 pending Writ Petition.

Counsel for the Petitioner: SRI G. RAMACHANDRA REDDY

**Counsel for the Respondents: SMT. D. SANDHYA (SC FOR CENTRAL GOVT) /
SRI N. BHUJANGA RAO, DY. SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.12838 of 2026

05.05.2026

Between:

Harshavardhan Cheemakurthy

...Petitioner

AND

The Union of India,
Represented by its Joint Secretary,
Ministry of External Affairs,
New Delhi, and another

...Respondents

ORDER:

This Writ Petition is filed seeking a direction to the respondents not to take coercive steps, including withdrawal of the petitioner's Passport No.AM688645 (issued on 11.02.2026 and valid till 10.02.2036) or restricting his overseas travel required for employment, in view of the proceedings initiated by the 2nd respondent in Letter Ref.No.SCN/1054018682/26, dated 04.03.2026, on the ground of a pending criminal case in C.C.No.987 of 2022 under Sections 304-A and 338 IPC on the file of JFCM Court, Nalgonda, and to declare the said action as illegal and arbitrary and pass such other orders as deemed fit.

2. Heard Sri G.Ramachandra Reddy, learned counsel for the petitioner and Smt D.Sandhya, learned Standing for Central Government for respondent Nos.1 and 2. Perused the record.

3. Learned counsel for the petitioner submits that petitioner applied for a passport before Respondent No.2, and the same was renewed on 11.02.2026 and is valid until 10.02.2036. Subsequently, Respondent No.2 issued a show cause notice dated 04.03.2026, directing the petitioner to provide a suitable explanation and to submit a fresh application with correct details, on the ground that he is facing criminal proceedings in C.C.No.420 of 2016 on the file of the learned Judicial First Class Magistrate Court, Nalgonda. In compliance with the said show cause notice, the petitioner submitted his explanation on 16.03.2026, and the same is pending consideration before Respondent No. 2. He further submits that mere arraignment of the petitioner in a criminal case cannot be a ground for denial of a passport. Therefore, he seeks a direction to the respondents not to take any coercive steps, such as withdrawal of the petitioner's passport.

4. Learned Standing Counsel relies on the judgment of the Hon'ble Division Bench of this Court in W.A.No.194 of 2026, dated 17.02.2026. Further, by referring to Office Memorandum dated 10.10.2019 issued by the Ministry of External Affairs, he submits that

in view of the pending criminal proceedings against the petitioner, the petitioner is required to produce NOC/permission from the concerned trial Court, however, as there is no NOC furnished by the petitioner, the passport authority had issued show cause notice and therefore the action of respondent authorities cannot be said to be illegal or arbitrary.

5. Having considered the respective submissions, at the outset, it is settled law that mere pendency of criminal proceedings cannot be a ground to refuse issuance of passport. In this connection, it is relevant to refer to the orders passed by the Hon'ble Division Bench of this Court in W.A.No.194 of 2026, dated 17.02.2026, wherein the Division Bench has observed as follows:

"13. In the light of the principle laid down by the Apex Court concerning the interpretation of GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019, we are of the considered view that the appellant should make an application for seeking NOC from the concerned trial courts where criminal cases are pending against him. It is upon issuance of NOC that the appellant should file an application for renewal of the passport. In case the courts prescribe a period for which the passport is to be issued, the passport authority should honour that period. Otherwise, if it does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases."

14. Since the passport of the appellant is going to expire on 28.02.2026, the appellant is at liberty to make an application for issuance of NOC from the concerned courts within this week. If such an application is made before the learned courts, the learned courts would endeavour to take it up expeditiously, preferably within a week, and pass

appropriate orders after hearing the parties. It is for the appellant to seek renewal of passport based upon such NOC before the Regional Passport Authority. Needless to say, the Regional Passport Authority would consider the request of extension in accordance with law i.e., the Passports Act, 1967, GSR 570(E) dated 25.08.1993 and Office Memorandum dated 10.10.2019 applicable to the case on hand."

6. In the instant case, admittedly, criminal proceedings are pending against the petitioner. Though pendency of criminal proceedings cannot be a ground to refuse issuance/ renewal of passport, the grounds on which the passport authority issued the show cause notice is that the petitioner has not disclosed the pendency of criminal proceedings against him, and further there is no material placed on record to show that the petitioner had disclosed about the pendency of criminal proceedings at the time of filling out the online application for renewal of the passport. Further, the criminal proceedings are of the year 2022, and the passport was renewed in February 2026, and there is no reason for the petitioner for not disclosing the pending criminal proceedings. Further, the petitioner, in the first place, ought to have approached the trial Court for necessary NOC for renewal of passport, and after obtaining NOC, he should have furnished the same along with his passport application for renewal of the passport, and in the absence of such an exercise on the part of the petitioner, the action of the passport authority in issuing show cause notice cannot be said to be illegal.

7. Be that as it may, in view of the pending criminal proceedings against the petitioner in C.C.No.420 of 2016 on the file of the learned Judicial First Class Magistrate Court, Nalgonda, this Court deems it appropriate to direct the petitioner to approach the Court of Judicial Magistrate of First Class, Nalgonda and make an appropriate application seeking "No Objection Certificate" for obtaining passport. Upon filing such application, the trial Court shall consider the same and pass appropriate orders expeditiously, preferably within one week from the date of filing of such application. Upon furnishing the NOC by the petitioner, the passport authority shall consider the same for further action as necessary in accordance with law. Till then, the Passport Authority shall not take any coercive steps against the petitioner.

8. It is made clear that the NOC that may be issued by the trial Court to the petitioner for obtaining passport shall not be construed as a permission to travel abroad. In case the petitioner intends to travel abroad during pendency of criminal proceedings, the petitioner shall file a separate application seeking permission to travel abroad, by specifying the purpose and duration of travel, and the trial Court shall consider such application on its own merits, by imposing appropriate conditions in accordance with law. Needless to mention that the trial Court shall proceed in accordance with law to secure the

presence of the petitioner in case of violation of any of the conditions imposed while granting abroad travel permission.

9. Accordingly, the Writ Petition is disposed of with the above said directions. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

SD/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Joint Secretary, Ministry of External Affairs, The Union of India, CTV Division, TV1 Section, Patiala House, Annexe. Government of India, New Delhi
2. The Regional Passport Officer, Regional Passport Officer, D.No.8-2-215 to 219, Kummarguda, Secunderabad, Telangana - 500003.
3. One CC to SRI G. RAMACHANDRA REDDY, Advocate [OPUC]
4. One CC to Smt. D. SANDHYA (SC FOR CENTRAL GOVT) [OPUC]
5. One CC to SRI N. BHUJANGA RAO, DY. SOLICITOR GENERAL OF INDIA [OPUC]
6. Two CD Copies
BN BSK

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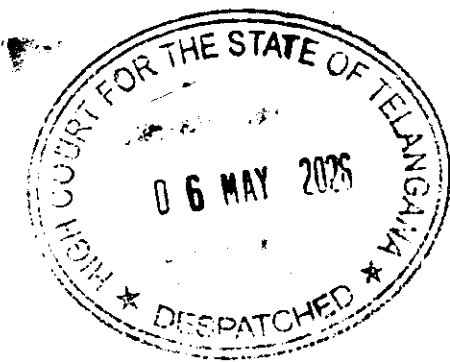
CC TODAY

HIGH COURT

DATED: 05/05/2026

ORDER

WP.No.12838 of 2026



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

8/MT
6/5/26