



CIVIL

When Can A Passport Be Denied? Legal Insight From Andhra Pradesh HC Judgment

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Introduction

The right to travel abroad is widely recognized as part of an individual's personal liberty under Article 21 of the Constitution of India. While the Government of India retains the authority to regulate passports in the interest of national security and public order, this power must be exercised in accordance with statutory provisions and judicial principles.

In this context, a recent judgment of the Andhra Pradesh High Court in *Ravi Ramesh v. Union of India* (W.P. No. 13133 of 2025) provides important clarity on whether the mere pendency of a criminal case without judicial cognizance can justify the refusal to renew a passport.

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Legal Framework: The Passports Act, 1967 (Still in Force)

Despite the recent enactment of the Immigration and Foreigners Act, 2025, replacing several outdated statutes regulating the entry and stay of foreigners in India, the Passports Act, 1967 continues to govern the issuance, renewal, and revocation of passports for Indian citizens. This Act has not been repealed, and remains the controlling legislation for passport matters.

Under Section 6(2)(f) of the Passports Act, the passport authority may refuse to issue or renew a passport if:

“proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India.”

Crucially, courts have clarified that this provision is triggered only when a criminal court has taken cognizance of the alleged offence and not merely upon registration of an FIR or filing of a charge sheet.

Case Summary: Ravi Ramesh v. Union of India (2025)

Background: The petitioner, **Ravi Ramesh**, held a valid passport from 22.05.2015 to 21.05.2025. As his passport approached expiry, he applied for renewal on 08.04.2025. However, he received a shortfall notice based on an adverse police verification linked to **Crime No. 40/2016** (involving charges under Sections 406 and 407 IPC). Despite submitting a written explanation, the authorities refused to renew his passport, citing the pendency of the criminal case. The petitioner challenged this decision before the Andhra Pradesh High Court.

Key Facts Noted by the Court: A final report had been filed by police before the Judicial Magistrate, but Cognizance had not yet been taken by the magistrate. There were no proceedings initiated under Chapter XVI of the Code of Criminal Procedure (CrPC).

Court's Observations and Ruling: Justice Subba Reddy Satti held that mere pendency of a police case without cognizance by a competent court does not attract Section 6(2)(f) of the Passports Act. The Court emphasized that “Mere pendency of crime is not a bar for renewing/reissuing the passport.” As a result, the Court directed the authorities to **renew the petitioner's passport**, notwithstanding the pending police case, as there were no “proceedings pending before a criminal court” within the meaning of the law.

Judicial Precedents Supporting the Ruling

1. **Maneka Gandhi v. Union of India**^[1]: The Supreme Court ruled that the right to travel abroad is part of the right to personal liberty under Article 21, and cannot be restricted arbitrarily.

2. **Satish Chandra Verma v. Union of India**^[2]: The Court highlighted that the right to travel abroad is a basic human right affecting private life, personal freedom, and self-development.
3. **Sumit Mehta v. State (NCT of Delhi)**^[3]: It reaffirmed the principle of presumption of innocence, allowing an accused to enjoy all constitutional protections until proven guilty.
4. **Division Bench of Andhra Pradesh High Court**^[4]: This decision clarified that unless a court takes cognizance of a charge sheet, proceedings cannot be said to be pending, and thus Section 6(2)(f) does not apply.

The Immigration and Foreigners Act, 2025: What Has Changed?

While not directly applicable to this case, it's important to note the enactment of the Immigration and Foreigners Act, 2025, which consolidates laws related to entry, stay, and departure of foreigners in India, and replaces:

- Passport (Entry into India) Act, 1920
- Registration of Foreigners Act, 1939
- Foreigners Act, 1946
- Immigration (Carriers' Liability) Act, 2000

This new law modernizes immigration controls, introduces stricter penalties for illegal entry and forged documents, and classifies foreigners based on their legal status. However, **it** does not affect Indian citizens' passport rights, which continue to be governed by the Passports Act, 1967.

Conclusion

The Andhra Pradesh High Court's ruling in Ravi Ramesh v. Union of India reinforces a critical safeguard for citizens: passport renewal cannot be withheld solely based on unsubstantiated criminal complaints or police reports. There must be a judicial act of cognizance before the denial can be justified under Section 6(2)(f). At a time when international mobility is essential for education, employment, and family life, this decision is a timely reminder that administrative discretion must yield to legal safeguards and constitutional rights. For more details, write to us at: contact@indialaw.in

^[1] (1978) 1 SCC 248

^[2] 2019 SCC OnLine SC 2048

^[3] (2013) 15 SCC 570

^[4] W.A. No. 383 of 2024

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