

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

WEDNESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 25543 OF 2025

Between:

Dr. Raghavender Siva Vijaya Chivukula, S/o. Mohan Rao Chivukula, Aged about 38 years, Resident of Plot No.62, Bhavana Colony, Bowenpally, Secunderabad- 500011, Telangana, Presently Working and residing at 1945, Noor Street, Wesley Chapel, Tampa Florida 33544, USA, presently in India

...PETITIONER

AND

1. Union Of India, Joint Secretary (PSP), Central Passport Officer, Ministry of External Affairs.
2. The Regional Passport Officer, Regional Passport Office, D. No.8-2-215 to 219, Kummarguda, Secunderbad - 500003.
3. Dr Nagasarvari Garikapati, W/o. Raghavender Chivukala, Aged 33 years, Occ. House wife, Flat No.204, SSR Heights, New Nagole, Road no.2, LB Nagar, Ranga Reddy.

R3 impleaded as per C.O.dt.11.09.2025 in IA No.2/2025.

...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 appropriate Writ, direction, or order more particularly one in the nature of Writ of Mandamus, by setting aside **the letter dt 25-08-2025 refusing to provide passport services to Petitioner, including the** objection of Respondent no 2 , dated 19/08/2025 vide Letter Ref. No. OBJ/1049876009/2025 that on account of pendency of a Criminal Case Cr. no 285 of 2025 U/s 498-A. 406, 506 IPC and Section 3, 4 of the Dowry Prohibition Ac before the 3rd Additional Civil Judge-cum-J.M. Ranga Reddy for re -issuing of passport vide application/File number

HY1075444582825 dated 05/08/2025, as being illegal, arbitrary and in violation of article 14, 19, 21 of the constitution of India and consequently direct the respondent no 2 to re-issue of passport for the application File number HY1075444582825 dated 05-08-2025 for the period of 10 years.

Prayer amended as per C.O.dt.11.09.2025 in IA No.3/2025.

I.A. NO: 1 OF 2025

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 to consider the representation dt. 21/08/2025 and re-issue of passport for the application/ File number HY1075444582825 dated 05/08/2025 for the period of 10 years, pending disposal of the writ petition.

Counsel for the Petitioner: SRI NOOTY VASISHTA VENKATESWARLU

**Counsel for the Respondent No.1 & 2: Ms. G.SAMPADA,
SC FOR CENTRAL GOVT., REP.
SRI N.BHUJANGA RAO,
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.3: SRI S.SATYAM REDDY, Sr. COUNSEL, REP.
SRI S.RANGA RAO**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON' BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No.25543 of 2025

18th March, 2026

Between:

Dr. Raghavender Siva Vijaya Chivukula S/o Mohan Rao Chivukula

... Petitioner

AND

1. Union of India, and others

... Respondents

ORDER:

The case of the petitioner, precisely as per the writ affidavit, is that he was originally issued Passport No. G-5374369 on 16.10.2007 (valid until 15.10.2017), by the Passport Office, Bangalore. He traveled to Texas, USA, in August 2009 for higher studies, completed his PhD at Texas Tech University, and later secured employment as a Senior Scientist at Iovance Biotherapeutics in Tampa, Florida. Upon expiry of his earlier passport, he obtained a renewed passport bearing No. R0895621 on 01.11.2017, at San Francisco, valid until 31.10.2027. He married Smt. Nagasarvari Garikapati on 04.02.2022, at which time she was pursuing her PhD at IIT Madras. She joined him in the United States on 23.04.2025, and the couple subsequently returned to India on 28.06.2025, to attend her convocation ceremony, with a planned return journey to the United States scheduled for 27.07.2025.

1.1 It is stated that shortly after arriving in Hyderabad, while traveling from Bowenpally Bus Stop to his residence at Bhavana Colony,

Secunderabad, the petitioner lost his bag containing his passport and other belongings. He lodged a complaint on 19.07.2025, at Bowenpally Police Station. Despite efforts by the police, the passport could not be traced, and a formal certificate to that effect was issued on 21.07.2025. Consequently, he applied for reissuance of passport on 25.07.2025. As part of the verification process for passport issuance, the petitioner was informed that an FIR had been registered against him by his wife at the Women's Police Station, Saroornagar, in Crime No. 285 of 2025 under Sections 498-A, 406, and 506 of the IPC, along with Sections 3 and 4 of the Dowry Prohibition Act, pending before the III Additional Civil Judge-cum-III Additional Judicial Magistrate First Class at Ranga Reddy. The petitioner states that he personally visited the respondent's office and submitted a reply to these objections on 21.08.2025, requesting reconsideration and reissuance of his passport. However, he was informed orally by the respondent's officials that passport is not issued when criminal proceedings are pending.

1.2 The petitioner asserts that mere pendency of a criminal case cannot be a ground for denial of passport under the Passports Act, 1967. He states that he has cooperated with the investigation, having received notice under Section 35(3) of the BNSS and duly appeared before the police. It is stated that, paradoxically, his wife, after initiating criminal proceedings, also caused a legal notice dated 12.08.2025, issued through her counsel, demanding the petitioner to resume cohabitation, failing which she would initiate proceedings for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.

1.3 The petitioner asserts that the criminal case filed by his wife is false and motivated, intended to compel him to remain in India and disrupt his professional life; and that the simultaneous pursuit of criminal charges

and a demand for cohabitation is inherently contradictory. The petitioner states that the respondent authorities have effectively adopted the stance that the existence of FIR and pending criminal case justifies withholding passport reissuance. In contrast, he argues that such a stance is legally untenable and violates established procedure and constitutional protections.

1.4 It is stated that the petitioner is a research scientist working onsite in Tampa, Florida, and he is required to be physically present for research work, and he is required to report back to duty by 23.03.2026, otherwise there is a chance of losing his employment, apart from the risk of legal action by his employer in the United States for breach of confidentiality obligations if he is unable to properly resign. It is also stated that all his personal and professional belongings, including educational certificates, vehicle, and household items, remain in the United States.

1.5 The petitioner therefore prays that the authorities may be directed to consider his representation dated 21.08.2025, and to reissue his passport, pursuant to Application dated 25.07.2025, and File No. HY1075444582825 dated 05.08.2025, for a full period of ten years. He emphasizes that his professional obligations require his physical presence at a research facility in Tampa, Florida, and that an inability to return to the United States would result in the loss of his employment and severe professional, financial, and legal consequences.

2. A counter affidavit is filed by Respondent No. 3-wife, essentially contending that the alleged loss of his passport, is a fabricated story intended to facilitate his departure from India and desertion of the marriage. She asserts that the petitioner was fully aware of the FIR registered against him in Crime No. 285 of 2025, had participated in police counselling sessions, and even acknowledged the same in writing, yet deliberately failed

to disclose these facts in his passport application with mala fide intent. The respondent contends that the pendency of criminal proceedings is a valid ground for refusal of passport issuance, especially when coupled with suppression of facts. She further submits that despite her bona fide efforts to continue the matrimonial relationship, including issuing a legal notice for restitution of conjugal rights, the petitioner expressed willingness to dissolve the marriage and allegedly intended to continue an immoral lifestyle abroad. The respondent also makes serious allegations regarding the petitioner's conduct, including substance abuse, addiction to adult entertainment, and an incident of physical assault, and states that no genuine attempts at settlement were made by him. She argues that the petitioner has alternative remedies, including cooperating with the investigation and trial, instead of seeking relief through the writ petition. Emphasizing that the passport authority acted lawfully and in accordance with guidelines in refusing issuance during the pendency of criminal proceedings, she expresses apprehension that granting a passport would enable the petitioner to flee the country, desert her, and cause irreparable harm, and therefore she prays for dismissal of the writ petition in the interest of justice.

3. The petitioner filed a reply affidavit, in response to the counter affidavit of respondent No.3 denying that the losing of his passport is neither a fabricated story, nor the petitioner has any intention to desert his wife, stating that he had in fact purchased return tickets for her to travel back to the USA, which contradicts the allegation of abandonment. He further contends that he was unaware of the registration of any FIR until 29-30 July 2025, when the police informed his family and issued a notice under Section 35(3) BNSS, and asserts that his passport application was made prior to gaining such knowledge; therefore, there was no suppression of facts or mala fide intent. The petitioner also denies deliberately omitting

Respondent No. 3 as a party, explaining that the dispute initially concerned only the passport authority, and her impleadment was subsequently carried out as directed by the Court. He argues that mere pendency of a criminal case cannot be a ground to deny passport issuance, relying on judicial precedents of the Supreme Court and High Court which recognize the right to hold a passport and travel abroad as part of personal liberty. He contends that the criminal case against him and his family is motivated and false. Addressing matrimonial allegations, he denies all claims of immoral conduct, substance abuse, or assault and reiterates his belief in the institution of marriage, while alleging that the respondent's actions—including criminal complaints and communications to passport authorities—are inconsistent with her claim for restitution of conjugal rights. He maintains that both parties had travelled to India together for her PhD convocation and had planned to return to the USA, further negating any intention to flee. Overall, he asserts that the refusal of passport services is unjustified, violative of his personal liberty, and prays for appropriate relief.

4. Heard Mr. Nooty Vasishtha Venkateswarlu, learned counsel for the petitioner; Ms. G. Sampada, learned Standing Counsel representing Mr. N. Bhujanga Rao, learned Deputy Solicitor General; and Mr. S. Satyam Reddy, learned Senior Counsel for respondent No.3-complainant. Perused the record.

5. Learned counsel for the petitioner essentially contends that the petitioner came to India in July 2025 for attending the Convocation of his wife at IIT Madras, and until then there were no disputes, and suddenly he came to know of the cases against him when he applied for reissuance of passport. Learned counsel contends that he is on H1B work visa, employed at USA in a Research Scientist position working onsite, and the visa is

connected with the employer and that his employment would be at stake if he does not go back and work onsite, apart from potential legal complications from the employer due to breach of employment terms and lack of proper resignation from employment. Learned counsel contends that his parents are in India and they are old-aged, and also facing severe health issues, and he is bound to come back regularly to cater to his parents wellbeing, and would also cooperate with the trial proceedings before the concerned criminal Court. Learned counsel relies on **Soniya Sawhney D/o Narinder Singh Sahney v. The Regional Passport Officer, Regional Passport Office¹**; **Kuldeep Singh v. Union of India²**; **Ankam Balaiah v. The Union of India³**; **Sannith Reddy Mandhadi v. The Union of India⁴**; **Ravi Ramesh v. The Union Government of India⁵**; **Dilip Kumar Agarwal v. The Union of India⁶**; **Mahesh Kumar Agarwal v. Union of India⁷**.

5.1 Learned counsel furnishes an “Affidavit of Undertaking”, dated 09.03.2026, wherein it is stated at paragraphs No.5 and 6 as follows:

“5. I Respectfully Submit That I Am A Law Abiding Citizen Of This Country And I Have Not Committed Any Offence What So Ever. My Wife With A View To Harass Me And My Family Members, Lodged A False Criminal Case. But, I Unconditionally Undertake To Appear Before The Criminal Court Whenever I Am Required To Appear Before The Said Court. I Would Act In Accordance With Law And Would Not Delay The Prosecution And Progress Of The Criminal Case. Since NBW Was Issued. Even Without Taking Summons, My Brother And Sister Have Approached This Hon'ble Court For Their

¹2010 LawSuit (AP) 431

²2025 : PHHC : 067788 (Punjab & Haryana High Court)

³MANU / TL / 0196 / 2024

⁴Writ Petition No. 2422 of 2024

⁵Writ Petition No. 13133 of 2025

⁶Writ Appeal No. 1107 of 2025

⁷2025 INSC 1476

Protection. My Father Is Aged 78 Years And A Cancer Survivor And Is Battling With Several Other Serious Health Issues Requiring Frequent Hospitalisation And My 73 Year Old Mother Who Has Undergone Open Heart Surgery Lately And Gets Hospitalised Frequently Are Required To Be Taken Care And Have To Be Monitored By Me Have Also Approached This Hon'ble Court For Further Protection. Hence, For These Reasons Also, I Would Not Be Failing To Prove My Innocence In The Criminal Case. I Would Not Make Myself Scarce Or Run Away From The Jurisdiction Of The Criminal Court, I Would Assure. I Would Also File Necessary Undertaking Before The Criminal Court Also To Appear Before It Once In Every 3 Months And Or At Any Other Time As And When My Presence Is Needed.

6. Since This Hon'ble Court Is Empowered To Protect The Fundamental Rights Assured By The Constitution, I Unconditionally Undertake Hereby, To Abide By What Ever Conditions That This Hon'ble Court Might Impose For Grant Of A Passport By UOI In My Favour. I Need To Be Granted A Pass Port At The Earliest So As To Enable Me Secure Revival/ Issuance Of Necessary Permit And VISA For Returning To My Employment At Tampa, Florida, USA. Any Further Time Gap In Resumption Of Employment By Me Can Land Me In Irreparable Loss And Insurmountable Grave Consequences Arising Out Of Breach Of Contract In USA. Out Of Sheer Compassion Exhibited By My Project Head And The Senior Level Executives Of The Company, I Am Granted Leave Of Absence Till 23-03-2026 And It Would Be Nearly Impossible To Meet Tight Time Limits For The Results Of Research To Be Published By The Scientists Employed, Like Me By The Company. In View Of Grave Impact On My Right To Lead Life By Pursuing My Employment As A Scientist, I Pray This Hon'ble Court To Grant/ Issue Necessary Directions To The Regional Passport Office To Accord Me A Passport Within A Week's Time. I Am Duty Bound To Be Grateful To This Hon'ble Court Ever And Forever."

6. Per contra, learned Standing Counsel would essentially contend that the refusal to process or grant reissuance of the petitioner's passport is not arbitrary but strictly in accordance with statutory mandates under the Passports Act, 1967, particularly Section 6(2)(f), which obligates the Passport Authority to refuse issuance when criminal proceedings are pending before a competent court. It is contended that the petitioner applied for reissue of his passport under File No. HY1075444582825 on 05.08.2025, and that the application was processed on a pre-police verification basis. However, during verification, the police authorities submitted an adverse report on 18.08.2025 stating that an FIR has been registered against the petitioner in Crime No. 285/2025 under Sections 498-A, 406, and 506 IPC, along with Sections 3 and 4 of the Dowry Prohibition Act, and that a charge sheet had already been filed before the III Additional Civil Judge-cum-Judicial Magistrate, Ranga Reddy District at L.B. Nagar, though it was yet to be numbered. The respondents further state that, even prior to this report, the petitioner's spouse (unofficial respondent No. 3) had personally approached the passport office on 11.08.2025, submitting a complaint letter informing the authority of the registration of FIR No. 285/2025 at Saroornagar Police Station under the Rachakonda Commissionerate, and specifically requesting that the petitioner's existing Passport No. R0895621 be impounded or that any fresh application be rejected.

6.1 It is contended that, based on these developments, an objection letter bearing reference dated 19.08.2025, was issued to the petitioner, requiring him to furnish explanation with regard to suppression of material information, namely the non-disclosure of the pending criminal proceedings, in his passport application. The respondents assert that this omission constitutes a serious procedural lapse on the petitioner's part. It is

contended that, despite issuance of this objection letter, no satisfactory response has been received from the petitioner addressing the allegation of suppression.

6.2 It is contended that as per Section 6(2)(f) of the Passports Act, 1967, read with Office Memorandum dated 10.10.2019, clarifies that where criminal proceedings are pending, the applicant must obtain a No Objection Certificate from the concerned Court. It is further contended that if the trial Court specifies a particular period in the NOC then the passport would be issued/renewed for such period, and if no period is specified in the NOC, then the passport is renewed for a default period of one year. Learned Standing Counsel relies on the judgment dated 08.04.2024, in Writ Petition (L) No. 1576 of 2024 by the Bombay High Court, which held that in such circumstances the applicant must approach the criminal court; and also the Division Bench Judgment of this Court in Writ Appeal No. 829 of 2024, wherein it was held that directing passport renewal is in contravention of Section 6(2)(f) is unsustainable in law.

6.3 It is contended that the petitioner has concealed the information while applying for reissuance of passport, thereby disentitling himself from equitable relief. It is further contended that though the petitioner contends that the matrimonial dispute and criminal case as false and motivated, essentially is a pending criminal case against the petitioner before the trial Court, and therefore the passport issuance cannot be processed without an NOC from the trial Court. It is contended that the argument of urgency or professional hardship cannot be a ground for deviating/bypassing the settled legal position.

7. Learned Senior Counsel Mr. S. Satyam Reddy appearing on behalf of the respondent No.3-wife, would essentially contend that certain

conciliatory efforts to amicably settle have not fructified as on today, thereby the situation as on date remains that criminal case is pending against the petitioner before the trial Court, and as per the settled legal position vide the Judgment of the Hon'ble Division Bench of this Court in W.A.No.194 of 2026, dated 17.02.2026, the petitioner has to approach the trial Court and obtain NOC for obtaining passport. It is also contended that in W.A. No.829 of 2024, dated 12.07.2024, the Hon'ble Division Bench, while granting liberty to the petitioner therein to approach the concerned Criminal Court, quashed the order passed by the learned single Judge directing renewal of passport, by holding that such a direction is not sustainable in the eye of law, and therefore prays that the petitioner may be directed to approach the concerned trial Court for obtaining necessary NOC for reissuance of his passport.

8. Having considered the respective submissions and perused the record, it is relevant to note that the Hon'ble Division Bench of this Court, in W.A.No.194 of 2026, dated 17.02.2026, by referring to Section 6(2)(f) of the Passports Act, 1967, and GSR 570 (E) dated 25.08.1993, and the Office Memorandum dated 10.10.2019, and also the precedent judgments in **Mahesh Kumar Agarwal v. Union of India**⁸, and **Nidhi Agarwal v. Union of India**⁹, held 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

⁸2025 SCC On Line SC 2887

⁹2025 SCC On Line TS 1778

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."

9. Admittedly, a case in FIR No. 285 of 2025 is registered against the petitioner, for the offences punishable under Sections 498-A, 406, and 506 of the IPC, along with Sections 3 and 4 of the Dowry Prohibition Act. Further, as per the contention of the learned Standing Counsel for the respondents, investigation is completed in the said case and charge sheet has been filed before the jurisdictional criminal Court, i.e., III Additional Civil Judge-cum-III Additional Judicial Magistrate First Class at Ranga Reddy, and the same is yet to be numbered, and therefore criminal proceedings are pending against the petitioner.

10. Therefore, in light of the orders dated 17.02.2026 passed by the Hon'ble Division Bench in W.A.No.194 of 2026, the petitioner is required

to approach the trial Court and file appropriate application seeking No Objection Certificate (NOC) for reissuance / renewal of passport.

11. Further, considering the urgency expressed by the learned counsel for the petitioner, in view of the nature of employment of the petitioner and his requirement to physically report and work onsite at USA by 23.03.2026, and also the Affidavit of Undertaking dated 09.03.2026 filed by him before this Court stating that the petitioner would appear before the trial Court once in three months or as and when directed by the trial Court, the petitioner is granted liberty to approach the trial Court and file appropriate application forthwith, seeking NOC for reissuance / renewal of passport for ten years, by enclosing the said documents before the trial Court.

11.1 Upon filing such application and relevant documents, including the Affidavit of Undertaking, the trial Court shall consider the same and pass appropriate orders expeditiously, preferably on the same day, as per law. Thereafter, upon the petitioner furnishing the NOC, the passport authority shall consider the same for reissuance / renewal of passport of the petitioner, in accordance with law.

12. It is made clear that the NOC for reissuance / renewal of passport shall not be construed as a permission to travel abroad. If the petitioner intends to travel abroad, he is required to make a separate application before the trial Court stating the purpose and duration of travel, and the trial Court shall consider the same on its own merits by imposing appropriate conditions, as deemed necessary, if permission is being granted. The trial Court shall proceed in accordance with law to secure the presence of the petitioner for the purpose of trial in the pending criminal proceedings, if any of the conditions so imposed while granting abroad travel permission is violated.

13. Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Joint Secretary, (PSP) Central Passport Officer, Ministry of External Affairs, Union Of India.
2. The Regional Passport Officer, Regional Passport Office, D. No.8-2-215 to 219, Kummarguda, Secunderbad - 500003.
3. The III Additional Civil Judge-cum-III Additional Judicial Magistrate of First Class at Ranga Reddy.
4. One CC to SRI NOOTY VASISHTA VENKATESWARLU, Advocate [OPUC]
5. One CC to SRI S.RANGA RAO, Advocate [OPUC]
6. One CC to SRI N.BHUVANGA RAO, DEPUTY SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
7. Two CD Copies

BSR

Jks

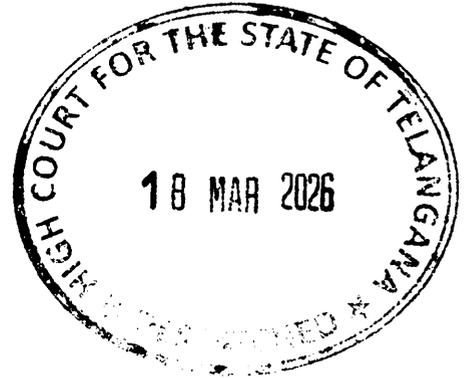
CC TODAY

HIGH COURT

DATED: 18/03/2026

ORDER

WP.No.25543 of 2025



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

(9) JKS
18/3/26.