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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2014/2024 & CRL.M.A. 31146/2024

SHRI NISHANT KAPOOR

.....Petitioner

Through: Mr. Sharad Malhotra, Adv.
along with petitioner in person.

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing
Counsel with Insp. Ashwani
Kumar, PS Adarsh Nagar.
Mr. Sajal Manchanda, Adv. for
Respondent no. 6 through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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07.01.2026

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, seeking issuance of a writ in the nature of Habeas Corpus, directing the respondent nos. 1 to 5 to produce the wife of the petitioner, namely Ms. Harpreet Kaur/ the respondent no. 6 herein, along with the minor child- Master xxx, who is around 6 years old.
2. The petition was first listed before this Court on 08.07.2024, when the respondent no. 6 appeared virtually before the Court and was granted time to file her reply as to why contempt proceedings should not be initiated against her.
3. On 01.08.2024, this Court, after hearing the learned counsels for the parties, observed as under:



“14. Clearly, the child has been taken out from the jurisdiction of this Court and outside India, which is contrary to the settlement which was entered into by the Petitioner and the Respondent No. 6- Ms. Harpreet Kaur.

15. The conduct of Ms. Harpreet has also been deceptive as the allegation is that they were together looking for a house till 12th March, 2024, but suddenly she flew to the U.S on the next day itself. This kind of conduct is violative of terms and settlement which was arrived before the Id. Family Court and the same cannot be condoned by this Court. The conduct of the wife Mrs. Harpreet Kaur clearly constitutes contempt.”

4. On the above observations made by this Court, the respondent no. 6 tendered her unconditional apology for having violated the terms of settlement and for taking the minor child outside the jurisdiction of this Court. She further gave an undertaking to this Court that she would return to India along with the minor child on or before 10.09.2024.

5. On the basis of the said undertaking, this Court *vide* Order dated 01.08.2024, disposed of the petition, directing as under:-

“ 20. The Court accordingly directs that Ms. Harpreet Kaur shall return to India with the child by 10th September, 2024. If there is failure to return to India by the said date, the Petitioner is free to use the present order and communicate the same to the U.S. Embassy in India as also for notify the Immigration Authority in the U.S regarding the conduct of Ms. Harpreet Kaur.”

6. Alleging that the respondent no. 6 has failed to comply with the undertaking given to this Court, the petitioner filed an application, being CRL.M.A. 31146/2024, seeking restoration of the petition.



7. Although the learned counsel for the respondent no. 6 appeared pursuant to the notice on various dates, today he submits that he has no instructions from the respondent no. 6.

8. In the meantime, this Court, *vide* Orders dated 16.10.2024 and 05.11.2024, also directed the Ministry of External Affairs to file an affidavit detailing the steps that could be taken to ensure the presence of the respondent no. 6 and the minor child.

9. In compliance with the said directions, an affidavit dated 17.02.2025 has been filed by the Regional Passport Officer.

10. Today, however, none appears on behalf of the Union of India.

11. The learned counsel for the petitioner submits that in the affidavit filed by the Regional Passport Officer, emphasis has been placed only on the extradition of the respondent no. 6 and the minor child. He submits that the Ministry of External Affairs has failed to appreciate that the respondent no. 6 and the minor child have travelled on an Indian Passport, which was obtained by the respondent no. 6 for the minor child by misleading the authorities and by furnishing false information. He submits that the original passport of the minor child is in the custody of the petitioner.

12. Since none appears on behalf of the Ministry of External Affairs, let a Court notice of default be issued, to be served through the Secretary, Ministry of External Affairs, as well as through the learned counsel who filed the affidavit on behalf of the Regional Passport Officer before this Court. A copy of this order shall accompany the notice.

13. The Ministry of External Affairs shall examine the steps that



can be taken to ensure that the respondent no. 6 and the minor child are produced before this Court, and shall also examine whether the passport of the minor child was issued on the basis of misleading statements or concealment of facts by the respondent no. 6 and, if so, take requisite action on the same.

14. Let a Status Report in this regard be filed by the Ministry of External Affairs at least a week in advance of the next date of hearing.

15. List on 02nd March, 2026.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 7, 2026/lks/ak/YG/DG