

Relief) Kanika Goel vs State Of National Capital Territory Of ... on 22 April, 2022

Author: Siddharth Mridul

Bench: Siddharth Mridul, Rajnish Bhatnagar

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL.) 834/2022 and CRL.M.A. 7113/2022 (for inter
relief)
KANJIKA GOEL

Through: Ms. Rebecca M. John,
Advocate and Ms. Mal
Rajkotia, Mr. Ramaka
Ms. Riya Krishnamurt
Ravi Avasthi and Ms.
Bahl, Advocates.

versus

STATE OF NATIONAL CAPITAL
TERRITORY OF DELHI AND ORS

..... Responde
Through: Mr. R.S. Kapoor, Ms. Jyoti
Babbar and Mr. R.K. Bora,
Advocates for Mr. Rajesh
Mahajan, ASC for the State.
Mr. Anupam S. Sharma, SPP for
CBI with Mr. Prakash Airan and
Ms. Harpreet Kalsi, Advocates.
Mr. Prabhjeet Jauhar, Advocate
for R-4.
Mr. Amit Mahajan, CGSC with
Ms. Garima Sachdeva and Mr.
Keshav Sehgal, Advocates for R
6/UOI.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR
ORDER

% 22.04.2022 This Court, vide order dated 17.04.2022, had directed as follows:-

"In the meanwhile, since it is Ms. Kanika Goel's case that, Mr. Karan Goel and his mother, namely, Ms. Jasleen Goel, have crossed over the International border at ICP Banbassa, Uttar Pradesh, into Nepal, in the morning yesterday i.e. 16.04.2022 at 04:15 a.m., allegedly using another/new Passport No. 596148736 (Mr. Karan Goel) and Passport No. 640775005 (Ms. Jasleen Goel), issued by the Government of United States of America; which fact is partly verified by Sub-Inspector Seema Yadav, Police Station Indira Gandhi International Airport, New Delhi; it is axiomatic that, Mr. Karan Goel, is prima facie in violation of the said order dated 28.03.2022.

We are also constrained to observe that, Ms. „M , the minor child of the parties, has remained incommunicado with Ms. Kanika Goel, since Friday i.e. 15.04.2022 from 9:00 p.m., contrary to the letter and spirit of the said order dated 28.03.2022 and it is apprehended that, the minor child in all probability has been smuggled across the Nepal Border in contravention to the directions of this Court; the Delhi Police is directed to register an F.I.R. in this behalf against the offending parties forthwith under the relevant provisions of law.

Mr. Prabhjeet Jauhar, learned counsel, who represents Mr. Karan Goel, in the MAT. APP. (F.C.) 90/2021), has uplinked through Video Conferencing, in order to assist the Court in the present proceedings; although, he submits that, he has been unable to contact his client despite repeated attempts since all the latter's mobile telephones are switched off.

List on 22.04.2022."

On a specific query from the Court, Mr. Prabhjeet Jauhar, learned counsel, who represents Mr. Karan Goel - respondent No. 4 herein, states that the latter is not inclined to comply with the directions issued by the Co-ordinate Bench of this Court in C.M. APPL. No. 9609/2022 (overnight visitations with minor child) in MAT. APP. (F.C.) 90/2021).

Ms. Rebecca M. John, learned senior counsel appearing on behalf of Ms. Kanika Goel, the petitioner herein, invites our attention to the order dated 18.04.2022 passed by the Co-ordinate Bench in MAT. APP. (F.C.) 11/2022, and in particular paragraph numbers 3, 4, 5 and 6, thereof which read as under:-

"3. From the Registry it appears that though Karan Goel and his mother's passports were deposited with the Registrar General of this Court on 11th April, 2022, however, it is informed that Karan Goel and his mother Jasleen Goel have left the country with the minor child Ms. M (name changed to protect her identity), who is eight years old.

4. A writ of habeas corpus was filed by respondent Kanika Goel where it is informed that Karan Goel and his mother Jasleen Goel arrived in this country on different passports issued by the Government of United States of America and have left the country on the said passports whereas in this Court deposited their other passports.

5. It is clearly evident that Karan Goel and his mother have committed serious offences besides committing contempt of Court.

6. Issue court notice to show cause as why proceedings under the Contempt of Court Act be not initiated against Karan Goel and Ms. Jasleen Goel for interfering in the due process of law and misleading the Court and for playing fraud by depositing duplicate/fake/second passports with the Registrar General of this Court pursuant to the directions of this Court dated 28th March, 2022. The Court notice be served through the learned counsel Mr. Prabhjit Jauhar, who appears on behalf of Karan Goel and Ms. Jasleen Goel as also at Karan Goel's email address i.e.

karangoel@gmail.com."

Our attention is also invited to an order passed by a Division Bench of this Court on 05.09.2019 in W.P.(Crl) 2375/2019 in the case titled as Kiran Lohia Vs. State and Ors., wherein, in similar circumstances, this Court was pleased to direct as follows:-

"In order to secure the presence of Mr. Aman Lohia as well as Mr. Pawan Kumar and Ms. Shiuratiya Debi Mahato, this Court directs the CBI to issue open ended non-bailable warrants against the said persons. In pursuance to the non-bailable warrants issued by this Court, the CBI shall take steps for issuance of a Red Corner Notice in accordance with law against Mr. Aman Lohia as well as Mr. Pawan Kumar and Ms. Shiuratiya Debi Mahato.

Learned senior counsel for the petitioner - Ms. Kiran Lohia draws this Court's attention to the Extradition Treaty as well as the Agreement between the Government of the Republic of India and the Government of the United Arab Emirates on Mutual Legal Assistance in Criminal Matters (MLAT).

Keeping in view the aforesaid, the CBI is directed to take steps in accordance with Article 9 of the Extradition Treaty and the Ministry of External Affairs (MEA) is directed to exercise its power under Article 2(1)(c)(iv) of MLAT and request the UAE to locate and identify Mr. Aman Lohia as well as baby Raina, Mr. Pawan Kumar and Ms. Shiuratiya Debi Mahato in UAE. The Ministry of External Affairs is also directed to request the UAE to ensure that Mr. Aman Lohia does not leave the UAE.

The Ministry of External Affairs shall examine the possibility of impounding/revoking the passport, in accordance with law, of Mr. Aman Lohia, inasmuch as he and his daughter have travelled on a second passport issued by the Commonwealth of Dominica despite deposit by him of the Indian passport of the minor daughter with the Registry of this Court.

Mr. Ripu Daman Bhardwaj, learned standing counsel appearing for Ministry of External Affairs, who also happens to be a standing counsel of CBI, is directed to intimate this order to the CBI for appropriate action forthwith."

In view of the continuing contemptuous conduct of Mr. Karan Goel - respondent No. 4; by willfully violating the directions issued by the Co-ordinate Bench of this Court in CM APPL. No. 9609/2022 (overnight visitations with minor child) in MAT. APP. (F.C.) 90/2021; and by removing Ms. 'M', the eight year old school going child of the estranged couple, from the jurisdiction of this Court to the Federal Democratic Republic of Nepal under false pretences; we consider it expedient to direct the Central Bureau of Investigation (CBI) to take steps for issuance of open ended non-bailable warrants against the said persons and further take necessary steps for issuance of Red Corner Notice, in accordance with law, and in terms of the extradition treaty that exists between the Government of Republic of India and the Government of Federal Democratic Republic of Nepal, against Mr. Karan

Goel, respondent No. 4, so as to secure his presence before this Court.

Mr. Karan Goel, respondent No. 4, is directed to produce Ms. 'M', the minor school going daughter of the petitioner, before this Court on the next date of hearing.

Mr. Prabhjeet Jauhar, learned counsel, who represents Mr. Karan Goel - respondent No. 4, prays for and is granted a period of two weeks to file a reply in the present habeas corpus petition after providing an advance copy to learned counsel for the petitioner, who may file rejoinder thereto, if any, before the next date of hearing.

List on 17.05.2022.

A copy of this order be given dasti under the signatures of the Court Master to learned counsel appearing on behalf of the parties .

SIDDHARTH MRIDUL, J.

RAJNISH BHATNAGAR, J.

APRIL 22, 2022/AK [Click here to check corrigendum](#), if any