ITEM NO.23 COURT NO.2 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 129/2023

VIKTORIIA BASU **Petitioner(s)**

VERSUS

THE STATE OF WEST BENGAL & ORS. **Respondent(s)**

(IA No. 158783/2025 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 01-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. R. P. Luthra, Adv.
Mr. Anjani Kumar Mishra, AOR
Mr. Himanshu Luthra, Adv.
Mrs. Hardeep Kaur Mishra, Adv.
Mr. Krishna Gopal Mishra, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Saurav Sharma, Adv.

For Respondent(s) : Mr. Kunal Vajani, Adv.
Ms. Shraddha Chirania, Adv.
Mr. Kunal Mimani, AOR

Mr. Subhasish Bhowmick, AOR
Mr. Rahul Kushwaha, Adv.
Mr. Aniruddha Singha Roy, Adv.
Mr. Ashutosh Singh, Adv.
Mr. Sawan Kumar Shukla, Adv.
Mr. Rakesh Kumar Tiwari, Adv.
Mr. Ajeet Kumar, Adv.
Ms. Rukshar Khan, Adv.
Ms. Mani Mala Roy, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Ms. Swarupma Chaturvedi, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. Shashank Bajpai, Adv.
Mr. Raman Yadav, Adv.
Mr. Abhishek Kumar Pandey, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Kartikay Aggarwal, Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. Mayank Pandey, Adv.

Signature Not Verified
Digitally signed by
ANITA MALHOTRA
Date: 2025.08.02
15:28:08 IST
Reason:

Mr. Mukesh Kumar Singh, Adv.
Ms. Ameyvikrama Thanvi, Adv.

Mr. Mukesh Kumar Maroria, AOR

Mr. Deepak Goel, AOR
Ms. Alka Goyal, Adv.
Mr. Jitendra Bharti, Adv.
Ms. Urvashi Sharma, Adv.
Mr. Mithilesh Kumar Jaiswal, Adv.
Ms. Ruby Kumari, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. We have gone through the purported status report signed by Deputy Commissioner of Police, South District, New Delhi as also a copy of the communication sent by Ministry of Home Affairs, Foreigners Division to the learned Additional Solicitor General of India. We have also heard the learned ASG, who is seeking some more time to apprise us regarding any tangible action taken at the end of the Authorities.

2. At the outset, we are constrained to observe that the incident of taking away of the minor child by the petitioner (Viktoriia Basu) has apparently happened due to the sheer negligence and failure of the Delhi Police in performing its duties in terms of the directions contained in Paragraph 16(iv) of our order dated 22.05.2025. It was directed in no uncertain terms that the Delhi Police shall maintain a discreet but effective vigil over the residential premises of both the parties, and women police officers shall be deployed for this purpose, who were even permitted to enter the petitioner's residence in case of any emergent situation. Not only did the Police fail to have maintained any vigil and allowed the petitioner to leave the residential premises along with

the child on 07.07.2025, but no timely action was taken even after receipt of complaint by the child's father. The affidavit filed today revealed that Viktoriia Basu travelled in a taxi from Delhi to Narkatiaganj Railway Station, Bihar where she reached on 08.07.2025, and thereafter, she entered Nepal. The affidavit further revealed that she boarded a flight to reach Sharjah, UAE on 12.07.2025. This means that for four days, she was in Kathmandu, Nepal. Had the Delhi Police taken prompt action, we are quite sure preventive measures could have been taken not to allow her to board the flight. Even from the contents of the letter of the Ministry of Home Affairs, it seems that information is being collected from the Government of Nepal and Government of UAE with respect to the method and/or documents used Viktoriia Basu to escape out of India. This is hardly of any consequence now, once the authorities are aware of the fact that she has reached Russia via Sharjah.

3. In such circumstances, we direct the Ministry of Home Affairs (Foreigners Division) or the Ministry of External Affairs to immediately apprise the Indian Embassy in Moscow, Russia and the officials whereof shall then find out ways and means to establish contact with the petitioner and the minor child.

4. The Union of India authorities must keep in mind that the minor child has been removed from the custody of this Court. This is not a simplicitor case of a custody dispute between parents of the child, whose custody had not been handed over to either the father or the mother. Rather, it was in exercise of our duty as *parens patriae* that we were resolving the issues among the parties, and the child was, for all intents and purposes, in custody of the

Court.

5. What we are now faced with is a flagrant violation of the orders of this Court inviting proceedings for criminal contempt of Court, besides registration of a case under appropriate penal provisions for deliberate removal of the child from this Court's custody. We need not advise the Police authorities as to what other offences have also been committed, including the forging/duplicating the child's passport or issuance of a new passport, especially for the reason that the original passport of the child is still in the custody of this Court. None of these factors have apparently been taken into consideration by the authorities of Delhi Police.

6. Before we take any harsh action, the authorities are well advised to immediately establish contact with the Indian Embassy in Russia in terms of the directions above, avail the services of Interpol, take further necessary legal and diplomatic action in terms of bilateral and multilateral treaties, and apprise this Court of the process which they propose to adopt for producing the petitioner and the child before this Court.

7. Post the matter on 22.08.2025.

8. The question of issuing roving writs along with non-bailable warrants will be considered on the next date of hearing.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR