

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit 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 : 17-07-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) : Mr. Anjani Kumar Mishra, AOR
Mr. Praveen Mishra, Adv.
Mrs. Hardeep Kaur Mishra, Adv.
Mr. Krishna Gopal Mishra, Adv.
Mr. Rajesh Kumar Singh, Adv.For Respondent(s) : Ms. Shraddha Chirania, Adv.
Mr. Kunal Mimani, AORMr. Soumya Chakraborty, Sr. Adv.
Mr. Subhasish Bhowmick, AOR
Mr. Vipin Nair Advocate
Ms. Manisha Pandey, Adv.
Mr. Rahul Kushwaha, Adv.
Mr. Aniruddha Singha Roy, Adv.
Mr. Rakesh Kumar Tiwari, Adv.Mr. R Venkatramani, Attorney General for India
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.
Mr. Mukesh Kumar Singh, Adv.
Ms. Ameyvikrama Thanvi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. In a furious fight between the husband and wife regarding custody of their minor child raised through the instant Writ Petition directly filed before this Court, several speaking orders have been passed from time to time.

2. The petitioner (wife) is a Russian citizen, whereas respondent No.2 (husband) is of Indian origin. The child, Stavyo Basu, was born on 29.10.2020. Pursuant to the interim directions issued by this Court, the couple has been residing in Delhi in separate accommodations with joint custody of the child.

3. Though there have been allegations and counter allegations between the parties with respect to the treatment meted out to the child, in our detailed order dated 22.05.2025, after taking note of the previous orders and the stand taken by the parties, revised interim directions were issued in paragraph 16. In terms thereof, exclusive custody of the child was given to the petitioner (mother) for three days in a week on Monday, Tuesday and Wednesday. For the remaining days, the child was directed to remain in the exclusive custody of his father.

4. Respondent No.2 (father) has now filed IA No. 158783/2025, seeking directions for compliance of the above-stated order dated 22.05.2025. He has, *inter alia*, pointed out that the petitioner (wife) is untraceable since 07.07.2025, after the school hours of

the minor child, and is not available on phone or at her residence. Thereafter, the minor child has also not been taken to his requisite medical check-up, to his school, or the football academy, as was directed by this Court on 22.05.2025. Respondent No. 2 has further pointed out that despite multiple complaints made by him, no action has been taken on those complaints. Even his lawyer has been frequently misled and provided false information regarding the child's whereabouts.

5. Respondent No.2 apprehends that the petitioner has been facilitated to flee out of the jurisdiction of this Court. She was statedly seen entering the Russian Embassy through a back door on 04.07.2025 along with a Russian diplomat, with whom she is alleged to have some relationship. It is further alleged that the Police has failed to provide protection to the minor child, thereby defying the directions issued by this Court.

6. On a pointed query by us, counsel for the petitioner has given a very evasive and vague reply. *Prima facie*, we have serious doubts even on the bonafide conduct of the petitioner's counsel.

7. In such circumstances, we are constrained to issue the following directions:

(i) The Commissioner of Police, Delhi, the Deputy Commissioners of Police, South Delhi and South East Delhi, as well as SHO, Police Station, Defence Colony are directed to trace the minor child immediately and handover the unconditional custody of the child to respondent No.2.

(ii) The Ministry of External Affairs and the Ministry of Home Affairs, Union of India are directed to issue Look Out Notices in respect of the petitioner as well as the minor child and to ensure that the petitioner is not permitted to leave the country. Her passport be seized forthwith.

(iii) The officers in the Ministry of External Affairs shall liaise with the relevant authorities in the Russian Embassy and seek permission to enter into the residential premises of the diplomat, who was last seen in the company of the petitioner on 04.07.2025.

8. Keeping in mind the comity, diplomatic relationship, and autonomy enjoyed on a reciprocal basis by different embassies, we are not issuing any directions in respect of the officers of the Russian Embassy in India. However, we do not hesitate to observe that if, on the basis of the police report, we find any diplomatic personnel attached or connected to the said embassy has *prima facie* committed an offence within the framework of the penal laws of this country, the law must take its own course. As of now, we would advise the highest authority in the Russian Embassy that they must assist the Indian Authorities, including Delhi Police, to ensure that there is no violation of the directions of this Court, issued from time to time.

9. A copy of this order be handed over to Ms. Aishwarya Bhati, learned Additional Solicitor General of India, as well as the Commissioner of Police, Delhi for information and necessary compliance. The officials at the Ministry of Home Affairs and the

Ministry of External Affairs, Union of India are also directed to communicate this order to all international airports and other ports within India, and the Immigration Authorities be intimated to ensure that neither the petitioner nor the minor child is permitted to leave the country.

10. List this matter tomorrow, i.e., 18.07.2025, at 2:00 p.m. The status report on steps taken shall be filed by then.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR