

ITEM NO.7

COURT NO.13

SECTION II-B

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

CONMT.PET.(C) No. 533-534/2022 in Cr1.A. No. 1607-1608/2019

RAJYASHREE CHHOKAR

Petitioner(s)

VERSUS

MANISH CHHOKAR

Respondent(s)

[MEDIATION REPORT RECEIVED] ,IA No. 6401/2023 - APPLICATION FOR PERMISSION, IA No. 130252/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 37268/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 5011/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 54306/2024 - CLARIFICATION/DIRECTION, IA No. 5010/2023 - INTERVENTION/IMPLEADMENT, IA No. 146597/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 83524/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 141647/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 67413/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 52129/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 38254/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 198869/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 25034/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 131072/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 17582/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 68556/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 83974/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION & IA No. 130250/2022 - RECALLING THE COURTS ORDER)

Date : 29-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vipin Sanghi, Sr. Adv.
Mr. Satyajit A Desai, Adv.
Mr. Pankaj Chaturvedi, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Abhinav K. Mutyalwar, Adv.
Mr. Sachin Singh, Adv.
Mr. Ananya Thapliyal, Adv.
Ms. Anagha S. Desai, AOR
Mr. Preetraj R.dhok, Adv.

Mr. Gaurav Agrawal, AOR (NP)

For Respondent(s) Mr. Vikas Singh, Sr. Adv.
Mr. Samir Malik, Adv.
Mr. Tushar Mathur, Adv.
Ms. Himani Yadav, Adv.
Mr. Vinay Preet Singh, Adv.
Mr. Mahip Singh, Adv.
M/S. D.s.k. Legal, AOR

Mrs. Aishwariya Bahti, A.S.G. (NP)
Mr. Mukesh Kumar Maroria, AOR
Mr. Devashish Bharukha, Adv.
Mrs. Shradha Deshmukh, Adv.
Mrs. Ameyvikrama Thanvi, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Mr. Aishwarya Bhati, A.S.G. (NP)
Mr. Debashish Bharukha, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mrs. Shradha Deshmukh, Adv.
Mr. Ameyvikrama Thanvi, Adv.
Mr. Prashant Singh Ii, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The alleged contemnor/respondent-Manish Chhokar is facing contempt proceedings before this Court where charges have already been framed against him by an order of this Court dated 09.09.2024.

Petitioner and respondent were married on 08.02.2006 and later moved to United States of America (for short "the USA"). They have a male child, who is presently 10 years old. However, the couple had a marital discord and the respondent obtained a divorce decree on 12.09.2017 from the Circuit Court for the County of Oakland (Family Division), Michigan, USA. On the other hand, petitioner had also initiated multiple proceedings against the respondent in India, but much later a settlement was arrived between the parties before this Court on 21.10.2019. One of the grounds for settlement

is that the alleged contemnor/respondent shall give the custody of the child to the mother i.e., the petitioner. Since this was not done, contempt proceedings were initiated on a petition moved by the petitioner-mother as the child was not handed over. Pursuant to the order dated 26.09.2022 and 10.11.2022, the alleged contemnor/respondent was asked to be present before this Court and he was present in this Court on 13.12.2022 though virtually.

Vide order dated 17.01.2024, he was asked to remain present in the Court in all proceedings. Before this, as the order of this Court would indicate there were several attempts to resolve the matter, as it was a matter of child custody where this Court went out of its way in granting indulgence to the respondent in hope that he would handover the child to his mother and honour the terms of his settlement, which were a part of the order of this Court. All the same, all efforts of this Court went in vain.

Charges were ultimately framed against the alleged contemnor/respondent as we have already stated above for the reason that the alleged contemnor/respondent has refused to handover the custody of the child to the petitioner vide order dated 21.10.2019.

On the last hearing of this matter i.e. 22.01.2025, the alleged contemnor/respondent was not present in the Court which was in violation of the order of this Court, when a statement was made by Mr. Vikas Singh, learned senior counsel representing him that he shall be present on the next date of listing. Now the matter is fixed for today. Even on the last occasion Mr. Vipin Sanghi, learned senior counsel for the petitioner has expressed grave apprehension that the alleged contemnor/respondent may have already

fled the country. Today, we have been informed by none other but the learned senior counsel Mr.Vikas Singh, appearing for the alleged contemnor/respondent that the alleged contemnor/respondent had left for USA.

We are amazed as to how can the alleged contemnor/respondent leave for USA or for that matter for any country without a passport, as his passport is in the custody of this Court.

Be that as it may, now today we have no option but to issue non-bailable warrant against the alleged contemnor/respondent-Manish Chhokar. Non bailable warrant is hereby issued against the respondent, let the same be executed in accordance with law.

We also direct the Home Ministry to take every possible step under the law to arrest the respondent so that he is brought to justice. In this regard we request Shri K.M. Nataraj, ASG to assist this Court. Shri K.M. Nataraj shall apprise this Court as to how the respondent was permitted to leave this country without a passport and leave of this Court. With the assistance of Home Ministry, Govt. of India, he may also enquire and apprise this Court as to who assisted the respondent in escaping from the country and who are the officials and other persons involved in this.

List on 19.02.2025.

We also make it very clear that any business transactions, including any deal relating to his property in India during the contempt proceedings or hereinafter will be subject to the order of this Court.

The concerned Registrar (Judicial) of this Court is hereby

directed to communicate this order to the concerned Ministry and to the office of Mr.K.M.Nataraj, Additional Solicitor General for onward compliance.

(NIRMALA NEGI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR