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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1194/2025&CRL.M.A. 5370/2025 CRL.M.A. 5371/2025
CRL.M.A. 5372/2025

DHIRAJ SINGH THAPA

.....Petitioner

Through: Mr. Manu Sharma, Senior Advocate
with Mr. Harsha Gollamudi, Mr.
Vishal Kapoor and Mr. Chaitanya M.
Hegde, Advocates

versus

EKTA SINGH THAPA

.....Respondent

Through: Mr. Akash Tyagi and Mohd. Ehraz
Zafar, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.02.2025**

1. The present petition has been filed under Article 227 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) impugning the condition in the order dated 13.02.2025 passed by the Mahila Court in CT Case No. 598/2023 to the extent that it directs the copy of the said order be sent to the Immigration Department.
2. Learned senior counsel for the Petitioner states that affidavit in terms of impugned order dated 13.02.2025 has been e-filed before the Trial Court and a copy has been handed over to learned counsel for the Respondent during the course of the hearing.
3. The matter was passed over to enable the learned counsel for the Respondent to peruse the affidavit.



4. At second call, the learned counsel for the Respondent has requested for the following additional documents:

- (i) The salary slip of the Petitioner for January, 2025 since it is the month in which he superannuated.
- (ii) Income Tax Receipt (ITR) for the Assessment Year 2019-20 since it is the stand of the Petitioner that parties separated in July, 2018.
- (iii) The statement of the pension account of the Petitioner.
- (iv) The itinerary of travel plans and travel date of the Petitioner which is scheduled from 23.02.2025.
- (v) The final offer letter enlisting the terms of the employment offered by the private employer to the Petitioner including the monetary terms.

5. Learned Senior Counsel for the Petitioner submits that documents mentioned at serial no. (i) to (iii) above will be provided to the Respondent on or before 22.02.2025 and filed with the Trial Court.

5.1 He states that itinerary for travel plans and travel dates scheduled between 23.02.2025 and first week of April, 2025 will also be duly e-filed in the registry of the High Court before 22.02.2025 with an advance copy to the counsel for the Respondent.

5.2 He states that the monetary terms of employment are not readily available with the Petitioner but they will be filed before the Trial Court upon return in April, within one (1) week. He states that the offer letter available with the Petitioner otherwise already stands filed.

5.3 He states that the Petitioner has shown his bonafide and filed the affidavit as undertaken before this Court on 19.02.2025. He states therefore the prayer sought for suspending the impugned direction be granted as it



would cause prejudice to the Petitioner in his employment.

6. The statement of the Petitioner recorded above is taken on record and he is bound down to the same.

7. Learned counsel for the Respondent states that in view of the compliance as well as the undertaking noted above, he has no objection if the prayer sought in the petition is allowed.

8. The impugned direction issued by learned Trial Court reads as under: -
“Copy of the order be sent to the Immigration Department for the necessary compliance through concerned SHO.”

8.1 In view of the undertaking given by the Petitioner, the above-said direction issued by the Trial Court is hereby suspended with the consent of the parties.

8.2 The Petitioner is a professional pilot and during his course of employment he would be required to undertake international travel and to avoid any confusion between the Petitioner and the immigration department with respect to the scope and intent of this order, this Court deems it appropriate that the aforesaid condition ought to be suspended as it may result in hindrance of performance of duties by the Petitioner. At this stage, in view of the compliances shown by the Petitioner, the Petitioner has made out a good case for suspension of the said direction.

9. Learned senior counsel for the Petitioner states that in view of the orders passed today, the relief sought in the petition stands satisfied.

10. Accordingly, the petition is disposed of along with pending applications if any.

11. It is however made clear that if there is any violation of the undertaking given to this Court, the Respondent will be at liberty to revive this petition.



12. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 20, 2025/mt/sk

[Click here to check corrigendum, if any](#)