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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: November 03rd, 2026***

\# **CNR No. DLHC010259112023**

\+ **W.P.(C) 9122/2023**

ANIS FATIMA ZACHARIAH .....Petitioner

Through: None

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Ripudaman Bhardwaj, CGSC (through VC) & Mr. Rahul Kumar Sharma, GP with Mr. Amit Rana & Ms. Kritika Malik, Advs. for UOI

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. None appears for the petitioner.

2. Considering that the detailed status reports are already on record and the petition has been pending since 2023, this Court considers it apposite to dispose of the matter.

3. By way of the present petition, the petitioner seeks the following prayers:

> *"a) Issue a writ, order or direction in the nature of Mandamus commanding the Respondents to take cognizance of the complaints and representations and to investigate/ inquire into the matter in an expeditious, efficient and meticulous manner;*
> *b) Issue a direction to the Respondents or any other relevant authority to use all possible channels to coordinate with the Kenyan authorities, and to acquire any knowledge which may be relevant for the purposes of determining the whereabouts of the brother of the petitioner or to inquire into the matter with the aid of the Kenyan authorities; or*
> *c. Pass any such order(s) that this Hon'ble Court deems fit and*

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proper in the interest of justice."

4. The petitioner had approached this Court with the grievance that her brother, Mr. Zulfiqar Ahmad Khan, and his friend, Mr. Zaid Ahmad Kidwai had been detained in Kenya and she was unaware of their whereabouts and unable to contact her brother. The petitioner had sought directions to the respondents to make efforts to coordinate with the Kenyan authorities for determining the whereabouts of the brother of the petitioner.

5. Notice was issued in the present petition on 12.07.2023.

6. The Respondent/Union of India, through the Ministry of External Affairs, has filed 2 status reports setting out the steps taken by the High Commission of India at Nairobi and the Ministry.

7. **The first status report dated 04.09.2023**, provides details the steps taken by the High Commission of India at Nairobi upon being informed of the disappearance of Mr. Zulfiqar Ahmad Khan and Mr. Zaid Ahmad Kidwai. It is stated that Mr. Zulfiqar Ahmad Khan, brother of the petitioner, had travelled to Nairobi, Kenya, on 24.06.2022, on a tourist visa to meet his friend, Mr. Zaid Ahmad Kidwai. The High Commission of India was subsequently informed on 25.07.2022 by Mrs. Amreen Kidwai, wife of Mr. Zaid Ahmad Kidwai, that the two individuals had gone missing on 22.07.2022 after certain persons, claiming to be police officers, intercepted and hijacked their motor vehicle in the Westlands area of Nairobi.

8. It is stated that, immediately upon receiving information from Mrs. Ambreen Kidwai on 25.07.2022, the High Commission took up the matter with the Ministry of Foreign Affairs of Kenya, requesting

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urgent intervention and referral to the concerned law enforcement authorities. The High Commission thereafter addressed repeated communications to the Kenyan authorities, seeking updates and emphasising the urgency of the matter, and also raised the issue with senior Kenyan functionaries, including the Director of Public Prosecutions and the President of Kenya. The status report further records that the High Commission facilitated the visit of family members to Nairobi, arranged their meetings with the Director of Public Prosecutions and the Directorate of Criminal Investigations, assisted them in retrieving the personal belongings of Mr. Zulfiqar Ahmad Khan and provided details of legal representatives in Kenya. It is also stated that a two-member Indian team visited Nairobi between 01.11.2022 and 03.11.2022 to engage with the Kenyan authorities and offer forensic assistance. Subsequently, upon the Kenyan authorities seeking DNA samples from the family members and forensic examination of mobile phones belonging to suspected police officers, the High Commission coordinated the collection of DNA samples from the family members at the CFSL, Hyderabad, and facilitated the forensic examination of the mobile phones. It is stated that the Kenyan investigative team visited India on 21.03.2023 for collection of the DNA samples and handed over the mobile phones for forensic examination, and, upon completion of the examination, collected the exhibits and the forensic report from the CFSL on 03.07.2023.

9. **The second status report dated 15.05.2026** sets out the subsequent developments in the investigation and prosecution arising out of the disappearance of Mr. Zulfiqar Ahmad Khan and Mr. Zaid

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Ahmad Kidwai. It is stated that the High Commission of India at Nairobi has continued to pursue the matter with the Kenyan Ministry of Foreign Affairs, the Directorate of Criminal Investigations, the Internal Affairs Unit and the Office of the Director of Public Prosecutions, while keeping the families apprised of the developments.

10. The status report records that criminal proceedings have been initiated against 15 accused persons, including personnel associated with the disbanded Special Services Unit, the National Intelligence Service and the Kenya Wildlife Service, for various offences, including abduction, conspiracy, forgery, subjecting the victims to cruel and inhuman treatment and murder. The proceedings are pending before the Kahawa Law Courts and the Kiambu High Court.

11. It is further stated that the prosecution proceedings progressed during 2024, with the examination and cross-examination of the investigating officer and other witnesses, and that, on 21.02.2025, the prosecution placed call record data and other material before the Kiambu High Court allegedly indicating communications between the accused persons and unidentified persons of interest suspected to have been involved in orchestrating the operation. It is also stated that the prosecution relies on circumstantial evidence, as the bodies of the two missing nationals have not been recovered. The status report also details the developments concerning the bail applications of the accused persons, including the earlier grant and subsequent revocation of bail by the Kenyan courts and the subsequent grant of bail to all accused persons by the Kiambu High Court on 08.09.2025, subject to conditions. The High Commission, thereafter, engaged with the Chief

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Investigating Officer, who conveyed that the investigating agency remained committed to pursuing the murder charges and that the prosecution was considering challenging the bail order.

12. The status report further records that on 03.03.2026, officials of the Indian High Commission met the Director of Public Prosecutions and raised concerns regarding the delay in the proceedings, whereupon they were informed that an application seeking consolidation of the separate cases had been moved before the Court of Appeal to avoid duplication of evidence and further delay. The said application was listed for hearing on 22.06.2026.

13. It is stated that the High Commission continues to actively pursue the matter with the Kenyan authorities and that the Union of India has taken all possible steps within the available diplomatic and consular framework and continues to monitor the investigation and prosecution.

14. This Court has considered the status reports filed. As noted above, it is evident that the respondents have pursued the matter through the diplomatic and consular channels available to them and have continued to engage with the concerned authorities in Kenya.

15. Notably, the relief sought in the present petition is directed towards securing intervention by the Indian authorities and their coordination with the competent authorities in Kenya. In view of the status reports filed by the respondents, this Court is satisfied that the respondents have taken the requisite steps within the scope of their diplomatic and consular mandate and that no further directions are warranted in the present proceedings.

16. In view of the above, no further orders are called for.

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17. Needless to state, the respondents shall continue to monitor the matter and extend such assistance to the petitioner and her family as may be permissible, in accordance with law.

18. The writ petition is accordingly disposed of.

19. Pending application(s), if any, stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 3, 2026
"SS"

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