

(2026) 07 DEL CK 0244

In the Delhi High Court, Principal Bench, New Delhi

Case No : CONT.CAS(C) 384/2024 and CM APPLs.25627/2024, 29459/2024, 33467/2024, 45944/24, 65753/2024, 32573/2025, 34652/2025

Sakshi Nagrath

APPELLANT

Vs

Tarun Arora

RESPONDENT

Date of Decision : 01-07-2026

Acts Referred:

Hindu Marriage Act, 1955 — Sections 13(1)(i-a), 13(1)(i-b), 13(1)(1- a)
Contempt of Courts Act, 1971 — Section 2(b), 10, 12, sub-section(1), sub-section (4), sub-sections (4) and (5)
Constitution of the International Criminal Police Organization — Article 45
Interpol Rules on the Processing of Data — Article 82, 83, 83(1)(a)(i), Section 4 (Article 97), 97

Citation : (2026) 07 DEL CK 0244

Hon'ble Judges : Sachin Datta, J

Bench : Single Bench

Advocate : Mr. Gautam Narayan, Sr. Adv., Mr. Prashant Mendiratta, Ms. Asmita, Ms. Kirti Mewar and Mr. Arjun Gaur, Advs., Ms. Nidhi Raman, CGSC, Mr. Arnav Mittal and Mr. Akash Mishra, Advs., UOI., Ms. Rajni Gupta, SPP and Mr. Shivender Gupta, Adv., CBI.

Judgement

1. The present petition has been filed by the petitioner alleging wilful disobedience/non-compliance by the respondent no. 1 with the directions contained in the order dated 28.11.2023 passed by a Division Bench of this Court in appeal bearing MAT APP. (FC) 336 of 2023, and the order dated 09.10.2023 passed in the guardianship petition bearing GP No. 02/2022. It is submitted that in the order dated 09.10.2023, the case number is mentioned as GP No. 51/2022, however, at the time of filing of the said petition, it was assigned GP No. 02/2022.

2. The factual conspectus of the matter is that the petitioner was the wife and respondent no. 1 was the husband. It is submitted by the petitioner that, during the pendency of the present petition, a decree of divorce was passed by the learned Family Court, District South East, Saket Courts, New Delhi, on

06.11.2025. The divorce petition was filed by the petitioner under Sections 13(1) (i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955, on the grounds of cruelty and desertion by respondent no. 1.

3. The petitioner and respondent no. 1 were married in New Delhi on 30.01.2005, as per Hindu rituals and customs. At the time of marriage, both the petitioner and respondent no. 1 were citizens of India.

4. However, during the subsistence of the marriage, respondent no. 1 acquired citizenship of the United Kingdom and is presently an Overseas Citizen of India (OCI) card holder. The petitioner, on the other hand, was and continues to remain a citizen of India.

5. From the marriage, the petitioner and respondent no. 1 have a minor daughter, namely Meher Arora, who was born on 14.06.2013. The minor daughter is in petitioner's exclusive custody and care.

6. It is submitted that the petitioner and the minor daughter have not visited the United Kingdom since July 2019 and respondent no. 1 has not visited India to meet the petitioner and the minor daughter since January 2020.

7. It is submitted that till December 2021, respondent no. 1 was paying the petitioner a sum of Rs. 1,40,000/- per month. From January 2022 onwards till date, respondent no. 1 has stopped the said payments.

8. In April 2022, the petitioner filed a guardianship petition, being GP No. 02/2022, against respondent no. 1, praying that the petitioner be appointed as the sole guardian of the minor daughter. The respondent no. 1 entered appearance in the said guardianship proceedings on 08.06.2022.

9. It is emphasised by the petitioner that, in the reply filed in the guardianship proceedings, respondent no. 1 admitted that he had been paying a sum of Rs. 1,40,000/- per month as maintenance till December 2021.

10. However, no payments have been made thereafter. It is further submitted that the reason furnished by respondent no. 1 for stopping the payment was that he allegedly did not know the "whereabouts of the petitioner and his daughter" and that he "stopped sending the money as he was not aware of where and to whom he was sending the money." Therefore, it is submitted that the cessation of payment was not on account of any alleged inability to pay.

11. By order dated 09.10.2023, the learned Family Court, in the guardianship petition, directed respondent no. 1 to continue paying a sum of Rs. 1.40 lakhs per month to the petitioner, as an interim measure to protect the interests and welfare of the minor daughter. The said payments were directed to be made by the 7th day of every month. The relevant portion of the order is reproduced hereunder:

[An exhibit is reproduced here in the original judgment.]

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12. Aggrieved thereby, respondent no. 1 preferred an appeal, being MAT APP. (FC) 336 of 2023, before the Division Bench of this Court against the order dated 09.10.2023. The said appeal was disposed of by order dated 28.11.2023 passed by the Division Bench of this Court, whereby respondent no. 1 was directed to continue making payments as directed by the learned Family Court. However, this Court directed respondent no. 1 to make payment of the sum of Rs. 1.40 lakhs per month in two equal instalments on quarterly basis. The relevant portion of the order is reproduced hereunder:

[An exhibit is reproduced here in the original judgment.]

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13. Being aggrieved by the wilful disobedience of the orders dated 09.10.2023 and 28.11.2023, the petitioner has filed the present contempt petition against respondent no. 1.

14. It is submitted that, upon receiving advance service of the present contempt petition, respondent no. 1 filed an application, being CM Appl. No. 14415/2024, in MAT APP. (FC) 336 of 2023 before the Division Bench, seeking modification of the order dated 28.11.2023. By way of the said application, respondent no. 1 sought to substitute the monetary payments towards maintenance with an offer to furnish as security, in lieu of any liability towards the amount found due, a flat bearing No. H-105, Raheja Atharva, Sector 109, Gurugram. The said application for modification, being CM Appl. No. 14415/2024, was dismissed by the Division Bench on 15.03.2024.

15. In order to substantiate its case regarding the wilful disobedience of the orders of this Court, the petitioner has made following submissions –

a) The respondent no. 1 is a qualified MBA and NLP Coach and he was also running various companies/ businesses, generating huge profits therefrom which have not been disclosed to the petitioner. Some of the businesses of the respondent no. 1 from which he had been generating huge profits as informed by the respondent no. 1 himself to the petitioner, are i) GSM. Traders Property Company Limited (the Respondent no. 1 has filed for voluntary winding up of this Company in July 2022, after litigation started, ii) GSM. Traders Limited (the Respondent no. 1 has filed for voluntary winding up of GSM. Traders Limited in July 2022, after litigation started, iii) Cruises Limited; iv) gjboon.com; v) Sacred Blue; vi) Pickra Wholesale Limited.

b) It is submitted that the respondent no. 1 was the only shareholder and Director of GSM Traders Limited, GSM Traders Property Company Limited, and Cruises Limited. The respondent no. 1 also owned several other businesses, assets, bank accounts, properties and investments, crypto currency, in his own name and in the name of his companies.

c) It is submitted that the respondent no. 1 in the Guardianship Proceedings sought reference to mediation on the pretext of settling. However, while the

mediation was pending, with the dishonest and malafide intention to attempt to over-reach the Court in India and to avoid his obligations towards the petitioner and minor daughter, on 25.07.2022 the respondent no. 1 himself surreptitiously filed for "voluntary" winding up of two of his companies in the United Kingdom, - (a) GSM. Traders Limited; and (b) GSM Traders Property Company Limited.

d) It is contended that the same was a deliberate attempt by the respondent no. 1 to hide his business and companies.

e) It is averred that for the year 2020, his company GSM Traders Limited showed the assets as £930,887.00 and liabilities as £425,099.00 (which is a surplus of assets of £505,788.00 which is approximately INR 5.30 crores in that year). The Company, GSM Traders Property Company Limited also owned immovable property i.e. Units 7 and 8, Oak Court, Sandwell Business Park, Oldbury, West Midlands, B661QG. It is submitted that as per the records of the companies available on the internet the petitioner has become aware that the said asset has been sold for £325,501.00.

f) After paying off all the debts, GM Traders Property Company Limited had surplus of £144,029.27 (approx. INR 1.51 crores) as on 24.07.2023.

g) It is further emphasised that the respondent no. 1 is the sole director of the company, Cruises Limited. As per the Financial Statement of Cruises Ltd. for the year ended on 31.12.2021, Cruises Ltd. has a sum of 15,336 pounds (approximately Rs.18 lakhs) as "Cash at bank". As per the said financial statement for the year ended on 31.12.2021, Cruises Ltd. has also made a profit of 8,075 pounds in the year, and the said entire sum of 8,075 pounds was distributed as dividends.

h) It is also pointed that it was also reported in newspapers in Birmingham that respondent no.1 has an annual turnover in excess of 2 million pounds which in Indian currency is more than Rs.20.00 crores.

i) It is submitted that while he had stopped sending money from December, 2021, the respondent no. 1 continued to collect child welfare from the UK Government in the name of minor even after December, 2021.

j) It is the contention of the petitioner that in the Guardianship Proceedings, the respondent no. 1 filed his income affidavit dated 01.11.2022. In the said income affidavit, respondent no. 1 concealed and suppressed the existence of his abovementioned companies. He also concealed and suppressed two bank account bearing nos. 70943584 and 53514196, which were the bank accounts of his companies. It is submitted that the respondent no. 1 disclosed only bank account bearing no. 83733173 with Barclays Bank.

k) It is submitted that the petitioner only found out about the account nos. 70943584 and 53514196, when the petitioner checked each and every entry from the statement of account bearing no. 83733173. The petitioner discovered that the said account bearing no. 83733173 was having debit and credit entries

from the bank account bearing nos. 70943584 and 53514196. It is further submitted that the respondent no. 1 suppressed and concealed his income tax returns, details of bitcoins (cryptocurrency), investments, details of companies, businesses, etc.

l) It is emphasised that even though the Guardianship Proceedings were pending before the Ld. Family Court, Saket, New Delhi and the respondent no. 1 was also appearing in the same, yet on 01.09.2022, the respondent no. 1 filed proceedings bearing No. 1659-0249-5670-6214 ('UK Divorce Proceedings') before the HM Courts & Tribunal Services, United Kingdom against the petitioner herein, seeking divorce on the ground of irretrievable breakdown of marriage.

m) It is submitted that the respondent no. 1 filed the UK Divorce Proceedings by making a false declaration that "there are no other court cases which are related to the marriage." Being aggrieved of the same the petitioner filed a civil suit bearing No.20/2022 before the Ld. Family Court, Saket, New Delhi, seeking permanent injunction against the respondent no. 1 from proceeding with the UK Divorce Proceedings. It is submitted that the same has been decreed by a judgment dated 12.01.2026, whereby the respondent no. 1 has been permanently restrained from continuing the UK Divorce Proceedings.

n) It is further highlighted that after the order dated 09.10.2023 was passed in the Guardianship Proceedings, on 09.11.2023 (i.e. within a month of the order dated 09.10.2023) the family house/ property of the respondent no. 1 in the name of his parents, at House no. 39, Pocket F-26, Sector- 7, Rohini, Delhi-110085 was sold to try to avoid the obligation towards the minor daughter and to overreach the orders of the courts in India.

o) It is submitted that the respondent no. 1 has committed wilful disobedience of the orders passed by this Court in the present petition, and the conduct of the respondent no. 1 during the course of the present petition is evident from the following:

(i) By the order 08.04.2024 passed in the present Contempt Petition, this Court directed the respondent no. 1 to "pay an amount of 4,00,000/- to the petitioner within a period of 10 days from today." The Respondent no. 1 did not comply with the said order. The respondent no. 1 paid only a sum of Rs.30,000/- on 18.04.2024, that too from the joint account of the parties.

(ii) The respondent no. 1 has concealed and suppressed, inter-alia, the bank account statement of his companies for the period from 01.04.2019 onwards, the complete statements of his cryptocurrency/ Binance trading account for the period from 01.04.2019, etc.

(iii) Therefore, the petitioner filed the application bearing CM Appl. 29459/2024 in the present petition, seeking directions against the Respondent no. 1 for disclosure of his income tax returns, complete bank account statements of the Respondent no. 1 and his companies, details of Respondent no. 1's investments

in crypto currency/ Binance, etc.

(iv) By the order dated 16.05.2024 (as corrected by the order dated 30.05.2024), this Court directed the respondent no. 1 to file the documents as prayed for in the said CM Appl. 29459/2024.

(v) The respondent no. 1 refused to comply with the directions even in the contempt petition. He did not pay the amounts, nor did he file the complete documents. Respondent no. 1 did not file the complete bank account statements either in the Ld. Family Court or before this Court in the present contempt petition, despite directions. To play fraud, by index dated 21.05.2024, he filed only statements showing account balance of the bank accounts of his companies only on a particular date after the date on which disputes arose between the parties.

(vi) Therefore, the petitioner filed another application bearing CM Appl. 33467/2024, once again seeking directions against the respondent no. 1 for filing of complete bank accounts statements and complete statement of investments made by respondent no. 1 in cryptocurrency/ Binance, etc. By an order dated 30.05.2024, this Court was pleased to issue notice to the respondent no. 1 on the said application. However, the respondent no. 1 did not comply with that order as well and filed selected documents only.

(vii) By an order dated 12.08.2024, this Court was pleased to direct the respondent no. 1 to "make the immediate payment of maintenance towards the well-being and maintenance of his daughter w.e.f. January, 2024 within a month from today."

(viii) It is submitted that realising that he would not be able to escape the consequences of his contemptuous conduct, by an email dated 03.11.2024, the respondent no. 1 has refused to appear in any proceedings before the Courts in India.

(ix) Respondent no. 1 had sufficient funds to comply with the orders of the court. However, he did not comply with the same.

(x) Notice was also issued to the liquidator by the order dated 06.05.2025 and 18.02.2026 passed by this Court. He also did not appear and file any documents.

16. Vide reply dated 22.04.2024 filed in response to the present petition, respondent no. 1 had stated as under:—

a. It is submitted that the respondent no. 1's failure to discharge the liability towards ad interim maintenance is neither wilful nor deliberate.

b. It is submitted that the sole reason for non-payment of maintenance in terms of the order dated 09.10.2023 passed by the Family Court, as affirmed vide orders dated 28.11.2023 and 08.04.2024 passed by this Court, is the respondent no. 1's financial incapacity and lack of sufficient funds.

c. It is submitted that the Family Court has yet to undertake a detailed examination of the matter and has not returned any conclusive finding regarding the respondent no. 1 actual income.

d. It is contended that, before invoking contempt jurisdiction, an adjudication regarding the respondent no. 1's present financial status and capacity to comply with the maintenance order is necessary.

e. The respondent no. 1 further submitted that the petitioner has sought to create a misleading impression regarding the respondent no. 1's financial status by selectively relying upon the balance sheet of GSM Traders Limited for the year ending 31.12.2020.

f. It is submitted that the reliance placed by the petitioner on the said balance sheet is wholly misconceived and suppresses the true financial position of the company. It is emphasised that the subsequent Statement of Affairs dated 13.07.2022 evidences liabilities and creditor claims amounting to £12,39,856.96, ultimately resulting in liquidation proceedings being initiated against the company.

g. It is submitted that the liquidation of GSM Traders Limited and GSM Traders Property Company Limited was necessitated on account of overwhelming debts exceeding the value of the companies' assets.

h. It is further submitted that the present contempt petition is not maintainable inasmuch as the petitioner has already availed multiple alternate remedies in respect of the same alleged default, including:

(i) an application dated 08.01.2024 before the Family Court seeking compliance with the orders dated 09.10.2023 and 28.11.2023;

(ii) Execution Petition No. 11/2024 seeking execution of the aforesaid orders before the Family Court; and

(iii) an application dated 25.01.2024 seeking striking off of the respondent no. 1's defence in the substantive proceedings.

i. It is also submitted that the Family Court is yet to adjudicate upon the maintainability of the subject application pursuant to which the ad interim maintenance order dated 09.10.2023 came to be passed. It is submitted that even while passing the order dated 28.11.2023, this Court was pleased to keep open the respondent no. 1's objections regarding maintainability, to be adjudicated by the learned Family Court.

17. At the outset, this Court considers it apposite to briefly advert to the developments that have transpired during the course of the present proceedings. The facts and circumstances arising during the pendency of the proceedings, insofar as they are relevant for the present purposes, have been delineated in detail in the order dated 06.05.2025, which is reproduced hereunder:–

"3. On 06th March 2024, notice was issued to the respondent.

4. On 08th April 2024, Mr. Deepak Yadav, Advocate, entered appearance for the respondent. Despite directions, respondent/husband failed to appear before the Court. In this context, the Court passed the following observations:

"2. This Court has taken a very serious view of this matter that the orders passed by the Courts are being taken lightly by the respondent and are being flouted with impunity in this manner.

3. The respondent is not complying with the orders passed by the learned Family Court, as he is not making the payments towards ad-interim maintenance to the petitioner. Furthermore, he has also showed scant regard for the order passed by this Court, wherein he was directed to appear through Video Conferencing.

4. The respondent is cautioned that in case he violates the orders or takes the order of the Court lightly in future, appropriate orders shall be passed by this Court.

5. Learned counsel appearing for the petitioner submits that as of today, an amount of ₹ 9,80,000/- is due and payable to the petitioner from the respondent.

6. Learned counsel appearing for the petitioner further submits that the respondent had sought modification of the order dated 28th November, 2023 passed by the learned Division Bench in MAT APP.

(FC) No.336/2023. However, the said application filed by the respondent was dismissed by the learned Division Bench on 15th March, 2024.

7. Thus, this Court is of the view that there is no impediment for the respondent in complying with the directions passed by the learned Division Bench of this Court.

8. Accordingly, it is directed that the respondent shall pay an amount of ₹ 4,00,000/- to the petitioner within a period of 10 days from today."

(emphasis added)

5. Respondent/husband subsequently pleaded that the title documents and keys of the 'Flat bearing No.H.105, Raheja Atharva, Sector 109 Gurugram, Haryana' be handed over by the petitioner/wife to him, considering that the keys of the said apartment had been handed over by the respondent/husband to her. This was in the context of the plea made by the respondent/husband that he would be able to sell the flat and utilise the monies to shore up the maintenance.

6. On 16th May 2024, counsel for the respondent stated that the company of the respondent/husband was under liquidation and, therefore, the respondent/husband was not able to pay the amount.

7. In the meantime, an application being CM APPL.29459/2024 had been filed by the petitioner/wife seeking directions against the respondent/husband to file documents to disclose and verify his financial status. Respondent/husband stated that he had not concealed any income, assets, investments, funds and bank accounts from the Court. It was stated that on the contrary, he stated that he had no financial capability to comply with the order dated 28th November 2023.

8. Paragraph 8 of the said application is being extracted as under for ease of reference:

8. From the Income Affidavit filed by the Respondent itself it is clear that the Respondent has deliberately and wilfully suppressed and concealed the following investments, bank accounts, funds etc. only in order to hide and conceal his financial capability and to avoid his obligations towards the minor daughter:

(i) The Respondent has deliberately not filed copies of his income tax returns as mentioned in Section F serial no.7 of the Income Affidavit.

(ii) The Respondent has deliberately not filed copies of statements of all his bank accounts for last three years as mentioned in Section F serial no.9 of the Income Affidavit.

(iii) Respondent has Concealed account no.70943584 completely in his Income Affidavit. The Respondent has filed a statement of a bank account bearing no.83733173 with Barclays Bank. From a perusal of the said bank account is clear that Respondent is operating and maintaining another bank account bearing no.70943584, but the same is concealed and suppressed completely.

(iv) The bank account bearing no.83733173 of the Respondent with Barclays Bank has been having debit and credit entries from the bank account bearing no.70943584.

(v) A perusal of the below mentioned entries will show that the Respondent had first transferred large amounts of money from his bank account bearing no.83733173 with Barclays Bank to concealed account no.70943584, so that the balance amount in the Barclays Bank remains very low/minimum. Whenever, Respondent has to incur any expense or make any payment, he would transfer money from the concealed account no.70943584 to his bank account bearing no.83733173 with Barclays Bank. He may have also received funds into that account from other sources. The said account has been concealed and suppressed by the Respondent and he has given a false declaration.

(vi) A list of some of the entries in the account of the Respondent at Barclays Bank bearing no.83733179 with the concealed account no.70943584 of the Respondent are as under (@ **page no.149**

[An exhibit is reproduced here in the original judgment.]

onwards of the Income Affidavit, copy of which has been filed in the present petition under an Index dated 01.05.2024 by the petitioner):

[An exhibit is reproduced here in the original judgment.]

(vii) The Respondent is liable to file the bank statement of the said bank account bearing no.70943584 for the period from 01.04.2019 onwards till date.

(viii) When the same was discovered and the Respondent was confronted with it, he has tried to file a single page of the bank statement to show that there is no balance in the same. He has deliberately tried to hide the said account and the bank statements of the same. The Respondent has, along-with his reply dated 22.04.2024 to the present contempt petition, annexed (at Annexure R-21 @ page no.282) only a single page showing the purported balance in the

[An exhibit is reproduced here in the original judgment.]

said bank account bearing no.70943584 as on 13.05.2022.

(ix) The Respondent has concealed and suppressed the bank statement of the said bank account bearing no.70943584 for the period of three years prior to the filing of the Guardianship Petitioner, i.e. for the period from 01.04.2019 till date. The same is a deliberate attempt by the Respondent to mislead, and to play fraud on this Hon'ble Court.

(x) The Respondent has also concealed another bank account bearing no.53514196 completely. The Respondent has received payments from an account bearing no.53514196 in his bank account bearing no.83733173 with Barclays Bank. However, no details and bank statements/ details of the said concealed bank account bearing no.53514196 are filed. The following entries in the bank statement for account

no.83733173 filed by the Respondent show money received from the account bearing no.53514196:

(xi) The Respondent is liable to file the bank statement of the said bank account bearing no.53514196 for the period from 01.04.2019 onwards till date.

(xii) In the bank statements filed by the Respondent along-with the Income Affidavit, the details of the bank account/ linked accounts/ investments have been scratched out/ made illegible deliberately to conceal and suppress the said information. The same is clear from the bank statement wherein on every first page of the bank statement the said details have been scratched out/ coloured, such as at page nos.27, 31, 39, 42 etc. in the bank statement. There is deliberate attempt to suppress and conceal the details.

(xiii) Along-with his reply to the present contempt petition, the Respondent has filed a statement of his bank account bearing no.10449627 at Annexure R-7 (@ page no.125). It is pertinent to note that the said statement of the Respondent's bank account bearing no.10449627 is only for the period from September, 2022 onwards (the Guardianship Petition was filed in April, 2022). The Respondent has not filed, and he is attempting to suppress and conceal, the statement of the said bank account bearing no.10449627 for the period from 01.04.2019 onwards. The Respondent is liable to file statement of the said bank account bearing no.10449627 for the period from 01.04.2019 onwards till date.

(xiv) The Respondent has also received a sum of 15,000 GBP on 17.02.2022 in Account No.83733173 (@ **page no.122 of the Income Affidavit, copy of which has been filed in the present petition under an Index dated 01.05.2024 by the Petitioner**). The Respondent has not disclosed the source of these substantial receipts and utilization of the same.

(xv) In the Income Affidavit filed by the Respondent, the Respondent has declared that he has not investments other than those disclosed therein and all his investments, assets, etc., have been disclosed. The Respondent has suppressed and concealed the investments, assets, etc. that he has made. The Respondent has, inter-alia, made substantial investments in cryptocurrencies/ bitcoins through "**Binance**". The same is evident from the following entries reflected in the Respondent's bank account statement for the bank account bearing no.83733173 maintained with the Barclays Bank.

[An exhibit is reproduced here in the original judgment.]

The Respondent has suppressed and concealed the above in his Income Affidavit. In the Income Affidavit, there is no mention of the said investments with Binance or other assets, etc. There may be other and more investments also but the above is from the statement provided by him. No details of the same were provided. The Respondent has dishonestly and fraudulently suppressed and concealed all his investments and assets to mis-lead and to play fraud and he has made a false declaration on oath. Along-with his reply to the present contempt petition, the Respondent has filed an account statement of his Binance account (at Annexure R-22 @ page nos. 284 to 322). However, the same has not been filed for the period since the opening of the said Binance account. The same does not show the details of date of purchase of cryptocurrency, amount, value and date for the sale of the same.

(xvi) As per section **I, serial nos. 1 to 7 of the Income Affidavit**, the Respondent was obliged to provide details about his businesses/companies. However, he has concealed and suppressed the same, which is clear from the following:

a. The Respondent has the following companies/ businesses entities:

i. GSM Traders Property Company Limited;

- ii. *GSM Traders Limited;*
- iii. *Cruises Limited; and*
- iv. *GJ Boon.*

The Respondent is the only shareholder and Director in the same.

b. The Respondent has not mentioned any details about the same in the Income Affidavit. No details/ statements of the bank accounts, income, profits, etc. of the companies and business entities of the Respondent have been provided by the Respondent, including those of (i) Cruises Limited, (ii) GJ Boon, (iii) GSM Traders Limited and (iv) GSM Traders Property Company Limited. Details of the Respondent's directorships in Cruises Limited, GSM Traders Limited and GSM Traders Property Company Limited as available on website by the name of companycheck.co.uk, is annexed along-with the present contempt petition at Annexure P-5 (@ page nos.99, 101, 102).

c. As per the information available on the website by the name of companycheck.co.uk, the financial details of the companies/ business is already annexed along-with the contempt petition at Annexure P-5, as per which:

- i. In 2020, the total current assets of GSM Traders Limited were in excess of GBP 505,788 (approximately INR 5.05 crores) over the total current liabilities.*
- ii. The Respondent did not disclose the properties at no.7 and 8, Oak Court, Crystal Drive, Smethwick, West Midlands, B661QG, United Kingdom.*
- iii. After commencement of these proceedings, the Respondent applied for voluntary winding up and in March 2023, the Respondent has sold the properties of GSM Traders Property Company Private Limited for GBP 325, 501 (approx. INR 3.25 crores)*
- iv. As on 24.07.2023, there is a surplus funds of GBP 144.029 (approx. INR 1.44 crores) with GSM Traders Property Company Private Limited.*
- v. As on 31.07.2021, GSM Traders Property Company Private Limited had a retained earning of GBP 46,417 (approx. INR 46 Lakhs).*
- vi. As on 31.12.2020 GSM Traders had a retained earning of GBP 220,214 (approx. INR 2.20 crores).*

The Respondent had concealed and suppressed the above, the Petitioner has found the above details from the web link <https://find-and-update.company-information.service.gov.uk/>. Copy of the financial statements of GSM Traders Limited and GSM Traders Property Company Limited, and documents relating to the liquidation of GSM Traders Property Company Limited are annexed along-with the contempt petition and the same may kindly be referred to.

d. In the newspaper in Birmingham it was also reported that Respondent has an annual turnover in excess of 2 million pounds which in Indian currency is approximately Rs.20.00 crores. Copy of the newspaper article showing turnover and warehouse in Birmingham is already annexed along-with the contempt petition at Annexure-P-4 (@page nos. 92-94).

9. Accordingly, the **CM APPL.29459/2024** application sought various documents which are listed here under:

"9. The Petitioner is accordingly filing the present application praying that in the interest of justice, the Respondent may kindly be directed to disclose and furnish/file the following details/ documents:

- (i) Complete statements of bank account bearing no.70943584 with Barclays bank for the period from 01.04.2019 till date.*

- (ii) Complete statements of bank account bearing no.53514196, for the period from 01.04.2019 till date.
- (iii) Complete statement of bank account bearing no.10449627, for the period from 01.04.2019 till date.
- (iv) Complete statement of Binance / cryptocurrency/Bitcoin account of the Respondent, for the period from 01.04.2019 till date with all details of payments, purchase, sale, value, and dates of purchase and sale.
- (v) Complete details of bank accounts, bank statements and financial statements of GSM Traders Ltd., for the period from 01.04.2019 till date, which is a company of the Respondent of which he was the sole director and shareholder and he applied for its voluntary winding up after the filing of the Guardianship Petition.
- (vi) Complete details of bank accounts, bank statements and financial statements of GSM Traders Property Company Ltd., for the period from 01.04.2019 till date, which is a company of the Respondent of which he was the sole director and shareholder and he applied for its voluntary winding up after the filing of the Guardianship Petition.
- (vii) Complete details of bank accounts, bank statements and financial statements of Cruises Limited for the period from 01.04.2019 till date, which is a company of the Respondent of which he was the sole director and shareholder.
- (viii) The Respondent is liable to file the bank account details and copy of statement of bank accounts for the period from 01.04.2019 onwards and till date, and also the details of all assets, investments, etc. of GJ Boon and Cruises Limited.
- (ix) Complete Income Tax Returns of the respondent and his companies /businesses for the period from 01.04.2019 till date."

10. In **CM APPL.29459/2024** application, it has been stated that the respondent/husband had appointed Mr. Richard Toone, [Address: 31st Floor, 40 Bank Street, London, United Kingdom, E145NR, email ID: Richard.Toone@btguk.com, Telephone Number: 02075161500], as the **liquidator** for GSM Traders Property Company Ltd. and GSM Traders Ltd.

11. Accordingly, **CM APPL.29459/2024** application sought that Notice be issued to Mr. Richard Toone and furnish the following documents before this Court, which are as under:

- "(i) Complete details of bank accounts, bank statements and financial statements of GSM Traders Ltd., for the period from 01.04.2019 till date, which is a company of the Respondent of which he was the sole director and shareholder and he applied for its voluntary winding up after the filing of the Guardianship Petition.
- (ii) Complete details of bank accounts, bank statements and financial statements of GSM Traders Property Company Ltd., for the period from 01.04.2019 till date, which is a company of the Respondent of which he was the sole director and shareholder and he applied for its voluntary winding up after the filing of the Guardianship Petition."

12. Directions were passed by this Court on 16th May 2024 that the documents enlisted in the application be filed by the respondent/husband. The matter was then listed subsequently; however, the documents were not filed.

13. On 19th July 2024, the Court again noted as under:

"4. It is evident that the respondent is putting forth lame excuses to avoid the payment of maintenance. Let the parties make appropriate submissions before the learned Judge, Family Courts on the date already fixed. The learned Family Court shall ascertain the amount of arrears of maintenance payable by the respondent and shall pass appropriate coercive orders to recover the arrears of maintenance and ensure future compliances in accordance with law."

(emphasis added)

14. On 12th August 2024, the Court passed the directions which are as under:

"5. Respondent is directed to make the immediate payment of maintenance towards the well-being and maintenance of his daughter w.e.f. January, 2024 within a month from today. This is without prejudice.

6. However, the respondent is directed to appear in person and produce the certified copies of statement of accounts w.e.f. January, 2022 till date before this Court.

7. At this stage, as requested by the learned counsel for the respondent, the respondent shall be at liberty to move an appropriate application before the learned Principal Judge, Family Courts for sale of the property. However, the payment of maintenance shall be made, as aforesaid, without any default."

(emphasis added)

15. Subsequently, on 11th November 2024, Mr. Anand Chichra, Advocate appearing for respondent/husband, sought discharge from representing the respondent.

16. Mr. Sudhir Nandrajog, Senior Advocate, represents the petitioner/wife and, in the background of these facts and circumstances, presses for the prayers stated in **CM APPL.65753/2024**, which are extracted as under for reference:

"(a) Direct that the Respondent be arrested, and sentence the Respondent to imprisonment for committing contempt and wilful and deliberate disobedience of the orders passed by this Hon'ble Court;

(b) Warrants of arrest be issued for the Respondent so that he can be punished by this Hon'ble Court for committing contempt,

(c) The property of the Respondent at flat bearing no. H-105, Raheja Atharva, Sector-109, Gurugram, Haryana be attached and be transferred to the Petitioner / minor (as was also proposed by the Respondent by the email dated 20.04.2024;

(d) Direct Mr. Richard Toone, 31st Floor, 40 Bank Street, London, United Kingdom, E145NR, email ID: Richard.Toone@btguk.com, Telephone Number:02075161500, to file the complete statement of account from 01.01.2022 till date of the following bank accounts:

i. bank account bearing no. 70943584 (with Barclays Bank) in the name of GSM Traders Limited,

ii. bank account bearing no. 53514196 (with Barclays Bank) in the name of GSM Traders Property Company Limited, and

iii. bank account bearing no. 51816262 (with Starling Bank) in the name of Cruises Limited, which is a company of the Respondent."

17. He has further brought to attention an E-mail dated 3rd November 2024, which had been issued by the respondent/husband to his lawyers including Mr. Anand Chichra, Advocate. This communication had been produced by Mr. Anand Chichra, Advocate while

seeking discharge from the Court.

18. Effectively he has stated in the said E-mail that he is considering withdrawal from the jurisdiction of the Indian Courts concerning the case pending in the Family Court and the High Court of Delhi, and stated that he will no longer be participating in this case or any other legal proceeding in India. It has been stated that respondent is a British citizen and overseas citizen of India.

19. Yet another E-mail dated 28th April 2024 was exchanged between the respondent and petitioner. Respondent/husband, in this E-mail exchanged, inter alia, states as under:

"You are well aware that I have nothing more left to offer. The only asset left to my name is the flat in Gurgaon, which I am prepared to transfer to you and Meher. If this proposal is not agreeable to you, then you could instead handover the title documents and keys to me, so that I can then sell the flat and pay the maintenance as directed by the court."

20. Attention has also been drawn to order dated 28th January 2025 in **MAT.APPL (FC) 39/2025**, wherein directions have been passed by the Division Bench of this Court to the respondent/husband, to maintain status quo in the title and possession of the property and to restrain from creating any third party rights.

21. In these circumstances, it was necessary to extract in extenso what has transpired previously in these proceedings to justify that the respondent/husband is wilfully avoiding compliance with the orders which he is legally bound to comply with. His mere statement that he does not wish to participate in the proceedings in the Indian jurisdiction has no legal basis and is completely unmerited.

22. In fact, this nature of an assertion is an affront to the Court and its majesty and the directions which have been passed by this Court previously. Any non-compliance of the same would make a mockery of the directions passed by this Family Courts as well as this Constitutional Court.

23. Accordingly, the Court finds the prayers made in the said application merited and, therefore, directs as under:

a) The flat bearing No. H 105, Raheja Atharva, Sector 109 Gurugram, Haryana will stand attached and the keys of the same, which are in the possession of the petitioner/wife, shall be deposited with the Registrar General of this Court and shall be kept in a sealed cover. For maintenance and the check of the flat, petitioner/wife shall be at liberty to file an application, seeking prior permission of the Court.

b) To facilitate further progress of proceedings before this Court, **Mr. Richard Toone, [Address: 31st Floor, 40 Bank Street, London, United Kingdom, E145NR, email ID: Richard.Toone@btguk.com, Telephone Number:02075161500]** will disclose to this Court (addressed to the Registrar General of this Court), complete statement of account from 01.01.2022 till date of the following bank accounts, which shall be kept by the Registry in a sealed cover, and presented to this Court on the day next fixed:

i. Bank account **bearing no. 70943584** (with Barclays Bank) in the name of GSM Traders Limited,

ii. Bank account **bearing no. 53514196** (with Barclays Bank) in the name of GSM Traders Property Company Limited, and

iii. Bank account **bearing no. 51816262** (with Starling Bank) in the name of Cruises Limited, which is a company of the Respondent.

c) Notice be issued to Mr. Richard Toone on steps being taken by petitioner/wife and through the Indian Consulate at the Indian High Commission, London, with a copy of this

order.

24. The residual prayers in the said application shall be kept pending for further assessment.

25. Re-notify on 10th 3September 2025.

26. Dasti.

27. Order be uploaded on the website of this Court."

18. Subsequently, the petitioner filed an application bearing No. CM APPL.-34652/2025 seeking issuance of a Red Corner Notice.

19. Thereafter, on 18.02.2026, this Court passed the following order:-

"1. None appears for the respondent no.1.

2. **The present case discloses a history of flagrant breach and wilful disobedience of the orders passed by this Court and by the concerned Family Court.** The relevant facts and circumstances have been narrated in detail in the order dated 06.05.2025. The findings rendered therein are as under:-

3. In view of the factual directions set out in the order dated 06.05.2025, the respondent no.1 is held guilty of committing contempt of the orders passed by this Court under the Contempt of Courts Act, 1971.

4. List for orders on sentencing on 09.03.2026.

5. In the meantime, issue fresh notice to Mr. Richard Toone to comply with the directions contained in paragraph 23-B of the order dated 06.05.2025.

6. The petitioner is at liberty to serve Mr. Richard Toone through E-mail and through all other electronic modes."

20. Subsequently, this court vide order dated 09.03.2026 observed as under –

"1. Learned senior counsel for the petitioner has been heard at some length.

2. List for remaining arguments on 18.03.2026.

3. Fresh notice was directed to be issued to Mr Richard Toone on 18.02.2026. On the said date, he was also directed to comply with the directions contained in paragraph 23-B of the order dated 06.05.2025 passed in the present proceedings. However, there is no appearance on behalf of Mr. Richard Toone.

4. The respondent also continues to evade the present proceedings pursuant to his e-mail dated 03.11.2024 (filed as Annexure A3 to the CM APPL. 65753/2024). The said E-mail records the statement of the respondent, which reads as under:-

"I hereby declare that I am withdrawing from the jurisdiction of the Indian Courts, and I will no longer be participating in this case or any related legal proceedings in India."

5. **In the circumstances, this Court is considering the sentence to be awarded to the respondent no.1, in the absence of the respondent.** Let a copy of the today's proceedings be served on the respondent through E-mail. The respondent is once again called upon to appear on the next date of hearing, and address arguments, inter alia, on the aspect of sentencing."

21. It is apparent that respondent no. 1 has failed to comply with the directions issued vide order dated 09.10.2023 passed in Guardianship Petition bearing GP No. 02/2022, as well as the order dated 28.11.2023 passed by the Division

Bench of this Court in appeal bearing MAT APP. (FC) 336/2023, by failing to pay a sum of Rs. 1.40 lakhs per month to the petitioner as an interim measure intended to safeguard the interests and welfare of the minor daughter.

22. Further, the orders passed by this Court in the present proceedings clearly demonstrate that respondent no. 1 has not only failed to comply with the orders dated 09.10.2023 and 28.11.2023, but has also knowingly and wilfully disobeyed the orders passed in the present proceedings as well.

23. *Vide* order dated 08.04.2024 passed in the present proceedings, respondent no. 1 was directed to pay a sum of Rs. 4,00,000/- to the petitioner within a period of ten days from the date of the said order. However, respondent no. 1 has failed to comply with the aforesaid direction and has paid only a meagre sum of Rs. 30,000/- to the petitioner. The same is evident from the affidavit dated 27.04.2024 filed by the petitioner, which, *inter alia*, states as under:-

[An exhibit is reproduced here in the original judgment.]

24. This Court, vide order dated 19.07.2024, observed that the respondent no. 1 was "putting forth lame excuses to avoid the payment of maintenance."

25. Further, vide order dated 12.08.2024, this Court, after recording the statement of the petitioner that "as on 24.07.2023, there is sufficient balance in the bank account of the respondent and he has the financial means to make the payment towards maintenance but is deliberately avoiding compliance," directed respondent no. 1 to "make the immediate payment of maintenance towards the well-being and maintenance of his daughter w.e.f. January, 2024 within a month from today. This is without prejudice." The Court also directed respondent no. 1 to appear in person and produce certified copies of his statements of account w.e.f. January 2022 till date of the order.

[An exhibit is reproduced here in the original judgment.]

26. Despite the aforesaid directions, no compliance has been made by respondent no. 1.

27. Not only this, the respondent no. 1 addressed an email dated 03.11.2024 to his counsel, whereby he expressly refused to appear and participate in proceedings before courts in India. The relevant portion of the said email is reproduced as under – xxx xxx xxx

28. Consequently, a notice of default was issued to the respondent no.1 on 11.11.2024. The order dated 11.11.2024 is reproduced as under –

"1. At the very outset, Sh. Anand Chichra, learned counsel for the respondent submits that respondent has already transmitted communication through e-mail instructing him not to represent him in any matter, including the present one.

2. In view of the above, Sh. Anand Chichra, learned counsel for the respondent stands discharged.

3. However, keeping in mind the specific directions appearing in the previous order, let notice of default be sent to respondent, returnable on 22nd January, 2025."

29. Further, despite the specific directions contained in paragraph 5 of the order dated 09.03.2026 passed in the present proceedings, respondent no. 1 has failed to appear before this Court and address arguments, inter alia, on the aspect of sentencing.

30. The petitioner has made a compelling submission to the effect that after entering appearance in the Guardianship Proceedings on 08.06.2022 and after securing a reference of the disputes to mediation, the respondent no. 1 (even while the mediation proceedings were still pending), proceeded to initiate voluntary liquidation proceedings in respect of his own companies, namely, GSM Traders Limited and GSM Traders Property Company Limited, despite the said companies possessing profits, assets and savings. This cast a serious doubt on the bona fides of respondent no. 1.

31. It is further pointed out that even after discharge of all liabilities, GSM Traders Property Company Limited retained a surplus amount of £144,029.27 (approximately INR 1.51 crores) as on 24.07.2023. Reliance has been placed on the following by the petitioner -

[An exhibit is reproduced here in the original judgment.]

32. While the above is subject to appropriate explanation or clarification/s to be given by respondent no. 1, what is inexplicable and unacceptable is the outright refusal of the respondent no. 1 to participate in these proceedings. It is simply not permissible for the respondent no. 1 to evade/ avoid these and other related matrimonial proceedings in which very serious allegations have been made. The complete evasion/avoidance of these proceedings by the respondent no. 1 especially in the context of the aforesaid facts and circumstances, exacerbates allegations of wilful disobedience of order/s passed by this Court. The conduct of the respondent no. 1 is demonstrative of absolute disdain and disregard of due process, and of the sanctity of these proceedings.

33. The aforesaid facts and the conduct of respondent no. 1 clearly establish wilful disobedience of the directions contained in the aforementioned orders. The respondent no. 1 is in flagrant breach of, and has shown complete disregard for, the orders passed by the learned Family Court, the Division Bench of this Court, as well as this Court. His conduct has, in effect, made a mockery of the judicial process and strikes at the very authority and dignity of the Court.

34. Section 2(b) of the Contempt of Courts Act, 1971 defines 'Civil Contempt' as *"wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court."*

35. Section 10 of the said act provides that *"Every High Court shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to it as it has and exercises in respect of contempts of itself"*.

36. Section 12 of the act prescribes the punishment for contempt of court. The

same reads as under:

"12. Punishment for contempt of court.—(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section(1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced with the leave of the court, by the detention in civil prison of each such person:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.—For the purpose of sub-sections (4) and (5),—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm."

37. The legal position in this regard stands authoritatively settled. In **Sonali Bhatia v. Abhivansh Narang** , 2021 SCC OnLine Del 5114, a Division bench of this Court has observed as under –

"31. In view of the aforesaid facts, it is abundantly clear to us that the Respondent is guilty of intentionally and deliberately violating, and not complying with the order dated 22.12.2020 passed by the Family Court and order dated 11.02.2021 passed by this Court.

32. More than adequate indulgence has been shown to the Respondent, but he chooses to be adamant and obstinate. The actions/omissions of the Respondent in choosing to

show complete disregard to the orders of the Court cannot be countenanced. If such action is permitted, it will lead to anarchy and the Rule of Law would become a casualty. The orders of the Courts would be taken lightly and breached at the own sweet will of the individual concerned. There has been no effort on the part of the respondent to comply with the aforesaid orders. If, he had acted bona fide, he would have paid or deposited, at least, a portion of the outstanding amount to the petitioner. However, the Respondent has chosen not to pay a penny. It is the dignity and majesty of the court which needs to be preserved. The judiciary as an institution has garnered faith of the common masses as a trusted institution only because judicial orders are enforced, in an appropriate case, even at the pain of contempt. The faith posed by the people in the judiciary has to be protected in the interest of society, and also to meet the ends of justice.

33. The Supreme Court in *Ashok Paper Kamgar Union v. Dharam Godha*, (2003) 11 SCC 1 dealt with civil contempt, wherein the Court observed as under:

"17. Section 2(b) of Contempt of Courts Act defines 'civil contempt' and it means wilful disobedience to any judgment, decree, direction, order, writ or other process of a Court or wilful breach of undertaking given to a Court. 'Wilful' means an act or omission which is done voluntarily and intentionally and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say with bad purpose either to disobey or to disregard the law. It signifies a deliberate action done with evil intent or with a bad motive or purpose. Therefore, in order to constitute contempt the order of the Court must be of such a nature which is capable of execution by the person charged in normal circumstances. It should not require any extra ordinary effort nor should be dependent, either wholly or in part, upon any act or omission of a third party for its compliance. This has to be judged having regard to the facts and circumstances of each case....."

34. It has been time and gain reiterated by the Supreme Court that the orders of Courts have to be obeyed unless and until they are set aside in appeal/revision. The onus is on the party to establish and satisfy the court that the order is null and void, and therefore not executable or enforceable. However, in the present case, the respondent has withdrawn his appeal against the order of the Family Court. Thus, there is no question of his establishing that the order passed by the Family Court granting maintenance to the petitioner, or the order passed by this Court in the respondent's matrimonial appeal was null and void. Even otherwise, they cannot be considered as null and void, since they were passed by Courts of competent jurisdiction after hearing the respondent herein. The Respondent has not shown any regard towards the majesty of the court by obeying its orders. He has shown no remorse or regret for non-compliance of the aforesaid orders. If there is wilful disobedience to any judgment, decree direction, order writ or other process of a court, or wilful breach of undertaking given to the court, the contempt court shall take note of such violation, that needs to be punished. The wilful disobedience by the contemnor undermines the dignity and authority of the Courts and outrages the majesty of law. In *Ram Kishan v. Tarun Bajaj*, (2014) 16 SCC 204, the Court has delineated the contours for initiating civil contempt action. The Court observed thus:

12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is "wilful". The word "wilful" introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. "Wilful" means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona

fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct."

35. The conduct of the respondent taken note of hereinabove shows that he has tried to act over smart with the Court by concealing his true income and expenditure, and the channels into which his incomes are flowing, and the manner in which they have been utilised. He has not come clean despite grant of repeated opportunities. His conduct shows that he has defiantly disobeying the orders of the Court despite being called upon to comply with them repeatedly.

36. The Supreme Court in the case of Supreme Court Bar Association v. Union of India, (1998) 4 SCC 409 observed the object of punishment in the case of civil contempt, and also remarked upon the jurisdiction exercised by the contempt court, to protect the administration of justice from maligned. The Court observed thus:

34. The object of punishment being both curative and corrective these coercions are meant to assist an individual complainant to enforce his remedy and there is also an element of public policy for punishing civil contempt, since the administration of justice would be undermined if the order of any court of law is to be disregarded with impunity. Under some circumstances, compliance of the order may be secured without resort to coercion, through the contempt power. For example, disobedience of an order to pay a sum of money may be effectively countered by attaching the earnings of the contemner. In the same manner, committing the person of the defaulter to prison for failure to comply with an order of specific performance of conveyance of property, may be met also by the court directing that the conveyance be completed by an appointed person. Disobedience of an undertaking may in the like manner be enforced through process other than committal to prison as for example where the breach of undertaking is to deliver possession of property in a landlord tenant dispute. Apart from punishing the contemner the Court to maintain the Majesty of Law may direct the police force to be utilised for recover of possession and burden the contemner with costs, exemplary or otherwise.

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42. The contempt of court is a special jurisdiction to be exercised sparingly and with caution, whenever an act adversely effects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. This jurisdiction may also be exercised when the act complained of adversely effects the Majesty of Law or dignity of the courts. **The purpose of contempt jurisdiction is to uphold the majesty and dignity of the Courts of law. It is an unusual type of jurisdiction combining "the jury, the judge and the hangman" and it is so because the court is not adjudicating upon any claim between litigating parties. This jurisdiction is not exercised to protect the dignity of an individual judge but to protect the administration of justice from being maligned. In the general interest of the community it is imperative that the authority of courts should not**

be imperiled and there should be no unjustifiable interference in the administration of justice. It is a matter between the court and the contemner and third parties cannot intervene. it is exercised in a summary manner in aid of the administration of justice, the majesty of law and the dignity of the courts. No such act can be permitted which may have the tendency to shake the public confidence in the fairness and impartiality of the administration of justice."

38. Having considered the above this Court is satisfied that the conduct of respondent no. 1, leaves no manner of doubt that his disobedience is deliberate and calculated. Despite repeated opportunities and indulgence, he has chosen not to comply with the directions of this Court. His conduct demonstrates complete disregard for judicial authority and warrants the invocation of this Court's contempt jurisdiction.

39. Accordingly, as already recorded in the order dated 09.03.2026, this Court proceeds to sentence respondent no. 1 in his absence.

40. Consequently, respondent no. 1 is sentenced to undergo simple imprisonment for a period of six months, along with a fine of Rs. 2,000/-. In default of payment of fine, he shall undergo further simple imprisonment for a period of seven days.

41. Having regard to the fact that respondent no. 1 has refused to submit to the jurisdiction of Indian courts and has deliberately abstained from appearing in the present proceedings, the petitioner is seeking issuance of Red Corner Notice vide application bearing CM APPL.-34652/2025

42. For the aforesaid purposes it is relevant to refer to Article 45 of the Constitution of the International Criminal Police Organization – INTERPOL. The same is reproduced as under –

"Article 45

All bodies representing the countries mentioned in Appendix I shall be deemed to be Members of the Organization unless they declare through the appropriate governmental authority that they cannot accept this Constitution. Such a declaration should be made within six months of the date of the coming into force of the present Constitution."

"APPENDIX 1:

LIST OF STATES TO WHICH THE PROVISIONS OF ARTICLE 45 OF THE CONSTITUTION SHALL APPLY

*Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Egypt, Eire, Finland, France, Federal German Republic, Greece, Guatemala, **India**, Indonesia, Iran, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Luxembourg, Mexico, Monaco, Netherlands, Netherlands Antilles, New Zealand, Norway, Pakistan, Philippines, Portugal, Saar, Saudi Arabia, Spain, Sudan, Surinam, Sweden, Switzerland, Syria, Thailand, Turkey, **United Kingdom of Great Britain** and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia."*

43. It is relevant to note that, in terms of Article 45 of the Constitution of the

International Criminal Police Organization (INTERPOL), read with Appendix I thereto, both India and the United Kingdom are Member States of INTERPOL. Thus, the mechanism of international police cooperation through INTERPOL is available and can be duly invoked in the present case.

44. It is also apposite to refer to the relevant provisions of the Interpol's Rules on the Processing of Data, the same are reproduced as under –

*"Article 82: **Purpose of red notices** Red notices are published at the request of a National Central Bureau or an international entity with powers of investigation and prosecution in criminal matters in order to seek the location of a wanted person and his/her detention, arrest or restriction of movement for the purpose of extradition, surrender, or similar lawful action."*

"Article 83: Specific conditions for publication of red notices

(1) Minimum criteria

(a) Red notices may be published only if the following cumulative criteria are met:

(i) The offence concerned is a serious ordinary-law crime.

Red notices may not be published for the following categories of offences: - offences that in various countries raise controversial issues relating to behavioural or cultural norms; - offences relating to family/private matters;

- offences originating from a violation of laws or regulations of an administrative nature or deriving from private disputes, unless the criminal activity is aimed at facilitating a serious crime or is suspected of being connected to organized crime.

The General Secretariat shall keep, update and share with National Central Bureaus and international entities a non-exhaustive list of specific offences that fall within the above categories.

(ii) Penalty threshold:

- if the person is sought for prosecution, the conduct constituting an offence is punishable by a maximum deprivation of liberty of at least two years or a more serious penalty;

- if the person is sought to serve a sentence, he/she is sentenced to at least six months of imprisonment and/or there is at least six months of the sentence remaining to be served.

(iii) The request is of interest for the purposes of international police cooperation.

(b) The General Secretariat may decide to publish a red notice where the criteria in (i) and/or (ii) above are not met if, following consultation with the requesting National Central Bureau or international entity, it considers that publication of the requested red notice would be of particular importance to international police cooperation.

(c) Several offences: if the request includes several offences, the red notice may be published for all offences that meet INTERPOL's Rules provided that at least one offence meets the above criteria.

(2) Minimum data

(a) Identity particulars:

Red notices may be published only when sufficient identifiers have been provided. Sufficient identifiers will be considered to include at least one of the following two combinations of identifiers:

(i) family name, forename, sex, date of birth (at least the year) and one of the following identifiers:

- physical description; or

- DNA profile; or - fingerprints; or - data contained in identity documents (e.g. passport, national identity card).

(ii) photograph of good quality with some additional data (e.g. alias, name of the parent(s), further physical description, DNA profile, fingerprints, etc.).

(b) Judicial data:

Red notices may be published only when sufficient judicial data has been provided. Sufficient judicial data will be considered to include at least:

(i) summary of facts of the case, which shall provide a succinct and clear description of the criminal activities of the wanted person, including the time and location of the alleged criminal activity; and

(ii) charge(s); and

(iii) law(s) covering the offence (whenever possible, and subject to national law or the rules governing the operation of the international entity, the requesting National Central Bureau or international entity shall provide the wording of the relevant penal provision(s)); and

(iv) maximum penalty possible, sentence imposed, or sentence remaining to be served; and

(v) reference to a valid arrest warrant or judicial decision having the same effect (whenever possible, and subject to national law or the rules governing the operation of the international entity, the requesting National Central Bureau or international entity shall provide a copy of the arrest warrant or judicial decision)."

45. Articles 82 and 83 of INTERPOL's Rules on the Processing of Data provide the framework governing the issuance of Red Corner Notices. Article 82 clarifies that Red Notices are issued for the purpose of locating a wanted person and securing their arrest or detention with a view to extradition or similar lawful action. Article 83 prescribes the minimum criteria and data requirements for such issuance.

46. A perusal of Article 83 indicates that the minimum criteria for issuance of a Red Corner Notice stand satisfied in the present case.

Moreover, the exceptions contemplated under Article 83(1)(a)(i) are not attracted, as contempt of court and the punishment imposed herein cannot be characterised as a purely family or private dispute.

47. At this stage it is apposite to refer to the order dated 03.04.2017 passed by the Bombay High Court in Contempt Petition No. 106 of 2016.

The relevant portion of the order is reproduced as under –

"2. This Contempt Petition is instituted alleging breach of the judgment and decree dated 5.8.2015 passed by the learned Judge, Family Court, Thane (for short, 'trial Court') in Petition No.A-352/2014. By that order, the trial Court allowed the petition instituted by the petitioner herein under section 13(1)(1- a) of the Hindu Marriage Act, 1955 (for short, 'Act') and dissolved the marriage between the petitioner and first respondent

solemnized on 7.2.2010 by decree of divorce under Section 13(1)(i-a) of the Act, from the date of the order. Respondent No.1 is directed to pay maintenance @ Rs.20,000/- per month to the petitioner from date of the petition i.e. 7.10.2014. Respondent No.1 is further directed to hand over custody of son Harshad to the petitioner within one month from the date of the order.

xxx

6. Mr. Dushyant Kumar submitted that if the Court is of the opinion that respondent No.1 has committed breach of the trial Court's order dated 5.8.2015, the Court may consider passing appropriate order in terms of prayer clause (d) of the Petition.

xxx

10. In view thereof, stand over to 2.5.2017. Till next date, there shall be ad-interim order in terms of prayer clause (d) so as to ensure that respondent No.1 brings the child Harshad in Mumbai. Prayer clause (d) reads thus :

"(d) This Hon'ble Court be pleased to direct the Respondent no.2 to 4 to take all possible steps for issuance of Red corner notice to the Respondent no.1 & Yellow corner notice for the child Harshad,""

48. In **Paulami Apte & Anr. v. Khaled Kamal Hussein Mohamed Kassem & Ors.**, Special Leave to Appeal (Crl.) No(s).2018/2020 vide order dated 09.03.2022, the Supreme Court has observed as under -

"2 The first respondent, despite the order of the High Court requiring him to maintain custody of the child at Pune for a period of eight weeks from the date of the judgment dated 13 January 2020, failed to comply with the order and, by an email dated 16 February 2020, stated that he had left India with the child. Hence, though the period of eight weeks would have ended on 27 March 2020, the first respondent, in breach of the order of the High Court, left the country even before that date.

xxx

5 In this backdrop, the failure of the first respondent to abide by the terms and conditions imposed by the High Court would not only invite action in the exercise of the contempt jurisdiction, but, in addition, this Court must take a serious note of the conduct of the first respondent who has taken away the child in an attempt to foreclose the exercise of the jurisdiction of this Court and remedies available to the petitioners.

6 We direct that the Central Bureau of Investigation be impleaded as a party to these proceedings. Notice shall issue to the Central Bureau of Investigation. The CBI shall issue a Red Corner Notice to secure the presence of the first respondent – Khaled Kamal Hussein Mohamed Kassem, who is a foreign national."

49. Subsequently, in the same case, the Supreme Court vide order dated 06.04.2022, observed as under –

"1 In pursuance of the previous order, Ms Aishwarya Bhati, learned Additional Solicitor General appearing on behalf of the Central Bureau of Investigation (CBI) has submitted that with the permission of the Court, CBI would ensure that appropriate notices are issued both in respect of the first respondent and the minor child.

2 We consider it appropriate to permit the CBI to do so having regard to the fact that the minor child was secreted away from the jurisdiction of the competent court in India in violation of the directions of the court.

3 CBI shall coordinate with Interpol so that appropriate notices are issued in respect of the first respondent, Khaled Kamal Hussein Mohamed Kassem and minor child, Kian Kassem.

4 List the Special Leave Petition on 12 July 2022."

50. In view of the above, it would be appropriate to invoke the mechanism of a Red Corner Notice to secure the presence of Respondent No. 1 and to ensure enforcement of the sentence imposed.

51. Accordingly, the Central Bureau of Investigation (CBI) [impleaded as respondent no. 2 in CM Appl. No. 34652/2025 (filed by the Petitioner seeking issuance of a Red Corner Notice)] is directed to make an appropriate request to INTERPOL for issuance of a Red Corner Notice against respondent no. 1, in terms of INTERPOL's Rules on the Processing of Data, for the purposes of locating, arresting, and detaining him, and for informing the CBI as well as this Court of his whereabouts.

52. This Court further directs the CBI to take appropriate steps for issuance of a Diffusion under Section 4 (Article 97) of the Interpol Rules on the Processing of Data, for the purposes of locating/tracing, apprehending, and detaining respondent no. 1.

53. Article 97 of the Interpol Rules on the Processing of Data is reproduced hereunder:–

Article 97: Diffusions system

(1) The diffusions system consists of standardized requests for cooperation and alerts each corresponding to a specific purpose:

(a) to arrest, detain or restrict the movements of a convicted or accused person;

(b) to locate and trace;

(c) to obtain additional information;

(d) for identification purposes;

(e) to warn about a person's criminal activities;

(f) for information purposes.

(2) The conditions for sending a diffusion are the same as the general conditions for recording data in the Organization's police databases.

(3) The General Secretariat shall submit any proposal to create a new category of diffusion to the Executive Committee for approval. To justify its request, the General Secretariat shall provide:

(a) the reasons that led it to propose this creation, as well as the financial implications of such a creation;

(b) the specific purpose of this new category of diffusion, the conditions for its circulation as well as the type of data it will contain;

(c) the outcome of any tests conducted by the General Secretariat;

(d) the opinion of the Commission for the Control of INTERPOL's Files, if the new category of diffusion contains personal data or is linked to such data.

54. The Foreigners Regional Registration Office (FRRO) is directed to intimate the concerned police authorities/CBI to take necessary steps to secure the arrest of respondent no. 1 upon his arrival in India, so as to ensure execution of the sentence imposed by this Court.

55. The concerned respondents are directed to prepare arrest warrants and committal warrants against the contemnor forthwith.

56. List for further consideration on 27.07.2026.