

IN THE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY CRIMINAL, ORIGINAL WRIT JURISDICTION  
CRIMINAL WRIT PETITION NO.658 OF 1997

In the matter of:

Mst. Khadija a.k.a. Kjudija & ors.

...Petitioner

Vs.

Union of India & Ors.

...Respondent

4.12.97 Present: Mr. Deepak Kumar Thakur for the petitioners  
Mr. S.K. Aggarwal for  
Respondents along with  
SI Heera Lal, FRRO, New Delhi

Crl. W.P.No.658/97 & Crl.Ms.No.4855/97 and 6657/97

The prayers in the writ petition, inter alia, are that the respondents be directed to release the petitioners from detention at the Beggars Home, Lampur, Delhi and be directed not to deport the petitioners to the country of their origin and be permitted to stay in India. The petitioners are refugees from Afghanistan.

While issuing notice to show cause to respondent on 12<sup>th</sup> September 1997, we restrained the respondent from repatriating the petitioners. The said order of stay has continued for last over three months. From the counter-affidavit filed by the respondents, it has, however, come to our notice that the petitioners were apprehended on 4<sup>th</sup> September, 1997 while they were trying to leave the country by using forged documents. It has been, inter alia, explained in the counter affidavit that keeping in view their illegal and undesirable activities their movements were restricted and they were kept at the place as aforesaid. Further, it has been explained that the principle of International norms and conventions could be

exercised in favour of the refugees but not in favour of those found indulging in criminal / undesirable activities. In nutshell the stand of the respondents is that at present they may not have been deported but for their criminal activities and on account of the criminal activities it was decided to deport them in accordance with law. We find substance in this plea. The petitioners cannot be heard to say that despite their alleged criminal activities, they should be permitted to stay on in India. On these facts, we decline to come to the aid of petitioners in exercise of our writ jurisdiction under Article 226 of the Constitution of India and, therefore, the writ petition is dismissed.

The petitioners submit that they have approached United Nations High Commissioner for Refugees (UNHCR, New Delhi) seeking re-settlement in a third country. In that view, we stay the deportation of petitioners for a period of four weeks.

The writ petition and Crl.Ms. are disposed of, in the above terms.

Copy of the order be given Dasti to counsel for the parties.

Sd/-  
Y.K. Sabharwal  
Judge

Sd/-  
A.K. Srivastava  
Judge

December 19, 1997