



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 22042 OF 2025 (GM-RES)

BETWEEN:

MR. DROR SHLOMO GOLDSTEIN
S/O EFRAIM GOLDSTEIN,
AGED ABOUT 38 YEARS,
RESIDING AT, IR SHEMESH 50 A,
TEL AVIV, ISRAEL - 6908677

PREVIOUSLY RESIDING AT,
MADHALAWADA HARMAL,
BEHIND PANCHKROSHI SCHOOL,
DACHA ARAMBOL,
GOA 403512.

CURRENTLY RESIDING AT, NO.625,
11TH MAIN ROAD, HAL STAGE 2,
INDIRANAGAR, BANGALORE - 560075.

...PETITIONER

(BY SMT. BEENA P K.,ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REP. BY THE SECRETARY,





SOUTH BLOCK,
NEW DELHI-110011.

2. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS,
VIKASA SOUDHA,
AMBEDKAR VEEDHI,
BENGALURU - 560001.
3. FOREIGNERS REGIONAL
REGISTRATION OFFICE(FRRO),
REP. BY THE DIRECTOR,
BUREAU OF IMMIGRATION,
5TH FLOOR, A BLOCK,
TTMC, BMTC BUS STAND BUILDING,
K.H. ROAD, SHANTINAGAR
BANGALORE - 560027.

...RESPONDENTS

(BY SRI. ARAVIND KAMATH., ASG A/W
SRI. ADITYA SINGH., CGC FOR R1 AND R3;
SRI. RAHUL CARIAPPA, AGA FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO
I.DIRECTING THE RESPONDENTS TO CONSIDER
THE REPRESENTATIONS PRODUCED AS
ANNEXURES K EMAIL LETTER DATED 16/07/2025,
ANNEXURE-L EMAIL LETTER DATED 17/07/2025,



ANNEXURE-N EMAIL REPLY LETTER DATED 18/07/2025 AND ANNEXURE-P EMAIL LETTER DATED 19/07/2025 AND NOT TO PROCEED WITH THE SUDDEN DEPORTATION OF THE MINOR DAUGHTERS OF THE PETITIONER, NAMELY PREMA SAL KUTINA AND AMA KUTINA FROM INDIA TO ANY OTHER COUNTRY; II. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION DIRECTING THE RESPONDENTS TO RELEASE THE CHILDREN PREMA SAI KUTINA AGED 6 YEARS AND 7 MONTHS AND AMA KUTINA AGED 5 YEARS 2 MONTHS FROM THEIR ILLEGAL CUSTODY/DETENTION CENTRE AND HAND OVER THE MINOR CHILDREN TO THE PETITIONER FATHER IMMEDIATELY; III. ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION DIRECTING THE RESPONDENTS TO PERMIT THE PETITIONER TO MEET HIS MINOR DAUGHTERS, PREMA SAI KUTINA AGED 6 YRS AND 7 MONTHS AND AMA KUTINA AGED 5 YRS 2 MONTHS.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

This Court must refer to the peculiarities of this case even before referring to the relief/s that the petitioner seeks. For the Union of India and the Russian Federation, the saga commences with a mother [*a Russian citizen*] with two children [*the eldest of these children is also a Russian citizen*] being found in an isolated cave in the forests of Gokarna, Karnataka by the Gokarna Police on 09.07.2025. It is undisputed that just these three were in the cave without any facility and that thereafter the mother and the two children are lodged in Foreigners Restriction Centre [the Centre] for Women at Tumakuru under the aegis of the Foreigners Regional Registration Office [*FRRO*].

2. The Union of India is categorical that the mother had traveled on a Russian Passport and she has overstayed. In fact, it is also the Union of India's



case that she has gone out of India only to return again with a limited travel permission, and she has even overstayed this permission. This Court must observe that these are undisputed facts. When the mother and two children are at the Centre after being discovered by the Gokarana Police in an isolated cave, a DNA test is conducted because the second child did not have the travel documents though born in India. The DNA Report is that the child is born to the mother.

3. The petitioner asserts that he is responsible for the second child and that he has been looking after both the mother and the two children providing for their well being for a long time, but rather inexplicably, the mother and the children are found in an isolated cave. Upon receipt of the DNA Report, the concerned from the Union of India has communicated with the Russian Consulate [*the Consulate General of the Russian Federation in*



Chennai]. The Russian Consulate has issued Emergency Travel Documents [ETDs] permitting the mother and the children to travel back to Russia.

4. The ETDs for mother and two children is issued on 25.09.2025, and is valid till 09.10.2025. Apart from placing copies of the ETDs and print outs of the email addressed by the concerned from the Russian Consulate to the FRRO, Bengaluru [Union of India], the print outs of the communication between the mother and the FRRO/ Bangalore and the Russian Consulate is also placed on record. It is seen from these that the woman has stated thus:

"Hence, I am requesting on advice of officers from the Russian consulate and on humanitarian grounds keeping in mind that my minor daughters and I have been under a movement restriction order, restricted to the four walls of the Foreigners Restriction Centre for women at Tumakuru since 14.07.2025, till date.



That minor daughters and I are not used to the food which is being served to us and that we wish to just go back to Russia as soon as possible and request you with folded hands to permit us to repatriate back to Russia since the emergency travel documents have been issued by the Russian Consulate in our favour."

The underlining is by this Court

In response, the Russian Consulate has stated that the ETDs have a very short validity and they are requesting for issuance of *Exit Permits* to enable the departure of the mother and the children from India as soon as possible.

5. The petition is listed in the light of this turn of events with Sri Aravind Kamath, the learned Additional Solicitor General, bringing on record the documents as aforesaid and making a request, in the presence of the learned counsel for the petitioner, for immediate hearing. Ms. Beena P K, the learned



counsel for the petitioner, and the learned Additional Solicitor General are heard for final disposal of the petition.

6. Sri Aravind Kamath, emphasizing that the mother and the two children were found in a cave in an isolated environment and that the Russian Consulate has issued ETDs with a limited window calling for *Exit Permits* for departure as soon as possible, submits that it cannot be gainsaid that this course of action would be not just in the interest of the children but also in the interest of the mother. The learned Additional Solicitor General submits that the petitioner's request must be considered in the circumstances in which the mother and the children are found without the presence of any third person and with hardly any resource.

7. Ms. Beena P.K., the learned counsel for the petitioner, vehemently argues for a decision



against '*deportation*' of the mother and the children contending that it will not be in the *best interests of the children*, and that India is a signatory to the United Nations Convention on the Rights of the Child [*UNCRC*] and the provisions of the Goa Children Act, 2003 articulate this test. The learned counsel further submits that the provisions of this enactment stipulate that it is the responsibility of the Goa State Government to ensure that the rights of the children [*as declared and enumerated in the UNCRC*] are protected and guaranteed.

8. Ms. Beena P.K further submits that the second child unmistakably is born in Goa and the petitioner has filed an application for custody of the child that is pending and that any decision to send the mother and the children to Russia would amount to '*deportation*' contrary to the Convention. In rejoinder, Sri Aravind Kamath submits that it would be open to the Union of India given the laws of the



land to deport any person who has overstayed but in the present case sending back the mother and the children cannot be termed '*deportation*'. The learned Additional Solicitor General submits that the mother's e-mail which is marked to the Russian Consulate shows that the permission to travel to Russia with the required *Exit Permit* would only be recognition of the mother's interest to travel back to her country with the children.

9. These submissions are considered on the question:

Whether, if there is a decision to issue Exit Permits to enable the mother and the children to travel back to Russia in terms of the ETDs [which provide only a small window], would that be contrary to the children's best interests.

10. At the outset, this Court must observe that this question is presented for consideration by



the petitioner who cannot explain the reasons for the mother and the two children being in an isolated cave until they were found there and the authorities began action for their rehabilitation. This Court must opine that it would only be just and reasonable to examine the question of the children's best interest in the backdrop of this apart from the other circumstances that are peculiar to this case.

11. It is brought out to this Court's satisfaction that all the details have been disclosed to Russia [*the Russian Consulate*] from where the woman and the elder child have definitely travelled. The mother has overstayed with another being born in India, and the Russian Government, in recognition of its own responsibilities, has issued the ETDs requesting the FRRO, Bangalore to ensure *Exit Permits* are issued and arrangements are made for their travel back to Russia as early as possible.



12. If these two circumstances are compelling as they are for this Court to conclude that this would be in the children's best interests, the other circumstance which is also significant is the communication by the mother herself stating that she wants to travel back to Russia with the children, and the response from the Russian Consulate for her return with the children as early as possible. These circumstances outweigh every other assertion that could be, and hence, the following:

ORDER

The petition stands disposed of observing that it would be within the Union of India's domain to issue necessary documents to enable the mother and the children to travel to Russia.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV