



2026:DHC:9368



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

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Date of decision: 16th October, 2026# **CNR No. DLHC010483412026**+ **CRL.M.C. 7538/2026 & CRL.M.A. 31474/2026****SANDRA NWOKPOKU AND ANR.** PetitionersThrough: **Mr. Devanand Prasad, Advocate**

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Ms. Mukesh Kumar, APP for State
with Mr. Divakar, Advocate with SI
Vidyakar, P.S.: Mohan Garden.****CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present petition has been filed seeking the following reliefs:

- a) quash FIR No. 202/2022 dated 15.03.2022, P.S. Mohan Garden, insofar as the present Petitioners are concerned, together with the charge-sheet and all consequential criminal proceedings, including the charge dated 12.04.2022 under Section 14 of the Foreigners Act, 1946;
- b) upon quashing/disposal of the proceedings, direct the concerned FRRO/Bureau of Immigration/competent authority to process the Petitioners' exit permission and other immigration formalities expeditiously in accordance with law so as to enable them to leave India;
- c) record the Petitioners' undertaking that they have no intention to continue residing or settling in India and shall leave India upon completion of requisite immigration formalities within such period as this Hon'ble Court may prescribe;
- d) pending disposal of the present petition, stay further proceedings arising from FIR No. 202/2022 qua the Petitioners;



- e) in the alternative, if this Hon'ble Court is not inclined to quash the proceedings, direct that the trial qua the present Petitioners be separated and/or expedited and concluded within a fixed time, without awaiting co-accused Ify who is lodged in jail in another case or co-accused Christin who has been declared a proclaimed person;

2. Brief facts necessary for deciding the present petition are as under:

2.1. The petitioner no.1 is the wife of the petitioner no.2, and they are citizens of Nigeria and Sierra Leone, respectively.

2.2. The petitioner no.2 entered India through the authorised immigration channel on 19th November 2019 and the petitioner no.1 entered India on 18th December 2020.

2.3. During their stay in India, the petitioners made efforts before the FRRO/e-FRRO authorities for extension/regularisation of their visa/stay.

2.4. Due to the outbreak of the COVID-19 pandemic and the consequent disruption of international travel, the petitioners were prevented from returning to their respective countries.

2.5. On 15th March 2022, FIR No. 202/2022 came to be registered under Section 14A of the Foreigners Act, 1946 at P.S. Mohan Garden, against five (5) accused persons, alleging overstay in India beyond the period for which their visas had been issued. The petitioners were taken into custody in connection with the said FIR.

2.6. On 12th April 2022, the Trial Court framed charges against the accused persons, including the petitioners herein, under Section 14 of the Foreigners Act, 1946, alleging that they had remained in India beyond the period for which their visas were issued.

2.7. The petitioners no.1 and 2 were enlarged on bail by the Sessions



Court *vide* orders dated 27th April 2022 and 28th April 2022, respectively.

2.8. On 5th May 2026, the petitioners sought permission from the Trial Court to travel to Nigeria in connection with the education and welfare of their minor daughter. The said application was dismissed on 1st June 2026.

3. Aggrieved by the aforesaid, the present petition has been filed for quashing of the subject FIR and proceedings emanating therefrom.

4. Notice in the present petition was issued *vide* order dated 7th October, 2026.

5. I have heard the counsel for the parties.

6. The case against the petitioners is on account of alleged overstay in India after expiry of the visa. The charge has been framed against the petitioners under Section 14 of the Foreigners Act, 1946, for which there is no minimum punishment prescribed under law.

7. It is stated that the petitioners did not enter India in a clandestine manner. They entered through proper immigration channels after obtaining visas. The petitioners have a daughter who was born in India.

8. The petitioners state that the COVID-19 pandemic severely disrupted international air travel and that they made efforts before the FRRO/e-FRRO authorities for extension/regularisation of their stay.

9. The petitioners also preferred an application for plea bargaining before the Trial Court, which came to be dismissed as not maintainable on 21st July 2026.

10. The petitioners intend to leave India and return to their home countries, Nigeria and Sierra Leone respectively. It is further stated that their continued presence is involuntary and is only on account of the present criminal proceedings and the petitioners have undergone custody from 15th



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March, 2022 to 27th April, 2022, which may be treated as a sentence undergone.

11. Considering the aforesaid facts and circumstances of the case, the FIR No.202/2022 dated 15th March, 2022 registered at Police Station Mohan Garden together with the chargesheet and all consequential criminal proceedings emanating therefrom are quashed on the basis of the period of custody already undergone by the petitioners being treated as the sentence and subject to payment of costs of Rs.10,000/- each by the petitioners no.1 and 2 to the Delhi High Court Bar Clerks Association.

12. An undertaking shall be filed by the petitioners before this Court stating that they have no intention to continue residing in India and shall leave India immediately upon completion of requisite immigration formalities within 15 days.

13. The FRRO/Bureau of Immigration shall process the petitioners' exit permissions and other immigration formalities expeditiously. The Investigating Officer ("I.O.") shall facilitate the same.

14. The present petition, along with the pending application, stands disposed of in terms of the above.

AMIT BANSAL, J

OCTOBER 16, 2026

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