

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.5804 of 2015

ORDER:

Heard the learned Government Pleader appearing for the petitioners and the learned Additional Standing counsel appearing for the Central Government.

The prayer sought in the writ petition is as under:

“... to issue an order, writ or direction more particularly in the nature of writ of mandamus declaring the action of the respondents particularly the 2nd respondent in not furnishing identity particulars of the deceased female by comparing the finger prints with the available biometric data (Aadhar data) for the purpose of investigation in Crime No.236 of 2014, under Sections 302 and 201 IPC of Tadepalligudem Rural Police Station, West Godavari District as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents to furnish the identity particulars of the deceased female by comparing the finger prints with the available biometric data (Aadhar data).”

The brief facts set out in the writ affidavit are that on the intervening night of 13/14.11.2014 one female dead body was found in burnt condition besides National High Way No.16 at Tadepalligudem. The body was burnt completely except both the hands up to the elbows. In that connection, a case in Crime No.236 of 2014 under Sections 302 and 201 IPC was registered on 14.11.2014 on the file of the Tadepalligudem Rural Police Station, West Godavari District and investigation was conducted. During the course of investigation, the efforts made by the Investigating Agency to establish the identity of the deceased by comparing with the available crime data went in vain. Even the C.C. camera footages of National Highway Authority of India, Kalaparru

Check Post, Kalaparru, also could not be obtained since the digital video recorder hard disk got crashed. In that regard, a letter was addressed on 15.11.2014 by the Inspector of Police, Tadepalligudem to the 2nd respondent for verification. On that the 2nd respondent by letter dated 18.11.2014 informed that the information, as sought, cannot be furnished on the ground that as per the orders of the Hon'ble Supreme Court in SLP (Crl.) No.2524 of 2014 dated 24.03.2014, it is restrained from transferring any biometric information of any person to any other agency without his consent in writing. In those circumstances, the present writ petition is filed.

During the course of hearing, the learned Government Pleader appearing for the petitioners informed the Court that on 05.07.2018 the Superintendent of Police, West Godavari, referred the case as “undetectable” and instructed the concerned investigating agency to place the said report before the appropriate Court. In that view of the mater, no further orders are required in the writ petition.

On the other hand, the learned Additional Standing counsel appearing for the respondents, on the basis of the counter affidavit, submitted that searching entire database using a few partial fingerprints that too latent prints having moderate/poor quality or quality specifications not matching with those captured at UIDAI's Aadhaar Enrolment Client machines could potentially produce large number of false matches due to its fundamental nature. This means any

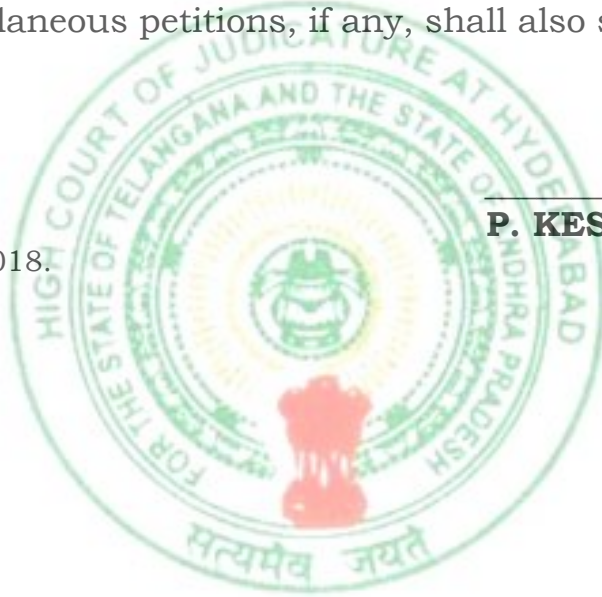
such random search which was now being demanded by petitioner No.2 even if implemented in the current system would put the privacy of residents at stake. On that ground he submitted that the information sought cannot be given.

Be that as it may, in the light of the specific submission made by the learned Government Pleader that the case has already referred as “undetectable”, this Court is of the opinion that no further orders are required in the writ petition.

Accordingly, the writ petition is closed. No costs.

Miscellaneous petitions, if any, shall also stand closed.

Date: 23.11.2018.
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P. KESHAVA RAO, J