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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (CRL.) 959/2020

RAMPHAL

..... Petitioner

Through: Ms. Geeta Verma, Advocate.

Versus

THE LIEUTENANT GOVERNOR OF DELHI & ORS.

.... Respondents

Through: Mr. Sanjay Lao, ASC for the State/
respondent Nos.1 to 6.
Mr. Himanshu Mittal Jain, respondent
No.7 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.07.2020

By way of the present petition, the petitioner seeks a direction to the respondents to register an FIR pursuant to complaint dated 22.10.2019 purported to have been made by the petitioner against respondents Nos.7 and 8, who are private parties, for alleged violation of clause 4 of the UIDAI Authentication Service Agency (ASA) Agreement of UIDAI 2017 and Regulation 21 of the Aadhaar (Enrolment and Update) Regulations 2016.

2. The essence of the allegation is that respondents Nos.7 and 8 have represented to the public that they have the authority to appoint Aadhaar Operators, which representation the petitioner claims is false.

3. In compliance of the last order, Mr. Sanjay Lao, learned ASC appearing for the State-respondents, has filed a status report dated

13.05.2020 which records *inter alia* that upon making enquiries, the petitioner has stated that he is a social worker; that he does not know respondents Nos.7 and 8 personally; and that he came to know about them through Facebook. It is further recorded that the petitioner confirms that respondents Nos.7 and 8 have never offered him any job nor has the petitioner suffered any wrongful loss at the hands of the said respondents. The status report also says that the petitioner was unable to produce any evidence to substantiate that the said respondents had committed any fraud against any other person.

4. It is also pointed-out that the petitioner had approached this court seeking similar relief by way of W.P.(C) No.12992/2019, which was disposed of by a single Judge of this court by order dated 11.12.2019, with a direction to the State-respondents to expeditiously consider the petitioner's representation and take appropriate action thereon.

5. By reason of alleged non-compliance of order dated 11.12.2019, the petitioner filed a contempt case being Cont.Cas(C) No.268/2020 seeking enforcement of the directions contained in order dated 11.12.2019, which petition was dismissed as not pressed based on a statement made on behalf of the State-respondents that the CEO, UIDAI had approved filing of a police complaint under section 47 of the Aadhar Act 2016 against the said respondents.

6. Apart from the fact that the assurance given in the contempt proceedings is as recent as 01.06.2020, it is also noticed that status report dated 13.05.2020 records that the petitioner has said that no wrongdoing has been committed by the said respondents against the petitioner himself. Noting that in ordinary and unexceptional circumstances, public interest litigation is not entertained in relation to

criminal offences, the present petition is both pre-mature and is also not maintainable at the petitioner's instance.

7. In view of the foregoing, the present petition is dismissed as being pre-mature and not maintainable at the petitioner's instance, with liberty to the petitioner to adopt such remedies as may be available to him, in accordance with law, if the assurance given by the State-respondents in the contempt proceedings is not complied with.

8. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 14, 2020

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