

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35794-2021 (O&M)

Reserved on: 13.01.2023

Pronounced on: 24.03.2023

Union Territory Chandigarh

... Petitioner(s)

Versus

Unique Identification Authority of India [Government of India, Ministry of Electronics & Information Technology (MEITY)] & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Deepinder Brar, APP UT Chandigarh
for the petitioner(s).

Mr. Varun Issar, Advocate for
respondent no.1.

ANOOP CHITKARA, J.

Seeking direction to Unique Identification Authority of India [Government of India, Ministry of Electronics & Information Technology (MEITY)] to provide information regarding Aadhaar Cards for investigating a criminal case involving fake Aadhaar cards, Union Territory, Chandigarh in terms of Section 33(1) of the Aadhaar Act, 2016 as further amended by Aadhaar (Amendment) Act 14 of 2019, Union Territory, Chandigarh has come up before this Court under Section 482 CrPC.

As per the Aadhaar Act 2016, as further amended by Aadhaar (Amendment) Act 14 of 2019, the power to give the required information vests with this Court. However, since no specific provision is provided under the Code of Criminal Procedure, 1973, that is why, the Union Territory, Chandigarh, has filed the present petition for invoking its jurisdiction under Section 482 CrPC. Given the absence of specific provisions, this Court would have the jurisdiction to entertain the following prayers, by exercising its jurisdiction under Section 482 CrPC.

The prayer clause reads as follows: -

“Petition under Section 482 of the Code of Criminal Procedure praying for issuance of direction to Respondent Unique Identification Authority of India (Government of India, Ministry of Electronics & Information Technology (MeitY) Regional office: SCO 139-141, Sector 17C, Chandigarh, to provide information as sought for by the petitioner/Union Territory, Chandigarh, vide application dated 3.12.2018 (Annexure P-3) submitted by ASI Laxlay Kumar, Anti Human

Trafficking Unit (AHTU), Sector 17, Chandigarh, to the Unique Identification Authority of India, for supplying the copies of Aadhar cards and all copies of proofs of 12 minor girls, when they applied for their new Aadhar cards, for further necessary action in case FIR No.308 dated 13.10.2017 under sections 10 & 11 of the Prohibition of Child Marriage Act, 2006, registered at Police Station Industrial Area, Chandigarh, in terms of Section 33(1) of Aadhaar Act, 2016 as further amended by Aadhaar (Amendment) Act 14 of 2019.”

On 19-12-2019, one person, in whose name the AADHAR card had been shown, appeared before the Additional Sessions Judge, and stated that wrong information was supplied about her age and it is incorrectly mentioned, and same may be verified. The complainant, withdrew the application for information given the provisions of Section 33 of the AADHAAR Act, and such statement was recoded by the Additional Sessions Judge, Chandigarh on 19-12-2019, (Annexure P-6).

Considering the age of the children and invocation of heinous penal provisions, it would be in the interest of justice if the required information concerning Aadhaar cards is given by the Unique Identification Authority of India [Government of India, Ministry of Electronics & Information Technology (MEITY)].

A perusal of the FIR points out *prima facie* allegations of forgery/tampering/fake Aadhaar cards, and considering the victim's statement, it would be an utmost priority to investigate in this aspect. Given the seriousness of the allegations this Court deems it appropriate to allow the present petition in terms of the prayer, as mentioned above.

Accordingly, the present petition is allowed in terms of the prayer clause.

(ANOOP CHITKARA)
JUDGE

March 24, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No