

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

CRM-M-40186-2020 (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.

Mr. Gurbir Singh Sandhu, Advocate
for respondents no.2 and 3.

ANOOP CHITKARA, J.

Seeking direction to Unique Identification Authority of India [Government of India, Ministry of Electronics & Information Technology (MEITY)], to provide information in regard to 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 aforesaid prayers by exercising its jurisdiction under Section 482 CrPC.

The present petition has been filed with following prayer clause:-

“Petition under Section 482 of the Code of Criminal Procedure praying for issuance of direction to Respondent No.1 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 24.12.2019 (Annexure P-3) submitted by SI Ashok Kumar, Investigation Officer, Crime Branch, Sector 11, Chandigarh, to the Unique Identification Authority of India, for verification of Aadhar card No.560132290745, 258686581495 (belonging to accused Zafer Iqbal) and Aadhar card No.753684915482, 558042001721 (belonging to accused Mohd. Alias), who are accused in case FIR No.408 dated 20.11.2018 under sections 419, 420, 467, 120B IPC, registered at Police Station Sector 34, Union Territory, Chandigarh, in terms of Section 33(1) of Aadhaar Act, 2016 as further amended by Aadhaar (Amendment) Act 14 of 2019.”

Vide order dated 2.3.2019, the accused had appeared before the Additional Sessions Judge, Chandigarh and stated that they would have no objection if the information concerning Aadhaar cards is given to Unique Identification Authority of India[Government of India, Ministry of Electronics & Information Technology (MEITY)],

A perusal of the FIR points out towards *prima facie* allegation of forgery/tampering/fake Aadhaar cards and considering the monetary benefits which the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 provides, it would be utmost priority to investigate in this aspect. Given the seriousness of the allegations and the possibility of misappropriation of public funds, 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 ___, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No