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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 987/2023
STATE GOVT. OF NCT OF DELHI Petitioner
Through: Mr. Laksh Khanna, APP for State

versus

UNIQUE IDENTIFICATION
AUTHORITY OF INDIA, & ANR. Respondents
Through: Mr. Sushil Raaja and Mr. Kapil Dev
Yadav, Advocates for respondent
No.1.
Ms. Tanushree Chakraborty and Mr.
Nazim, Advocates for respondent
No.2.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **03.05.2024**

1. By way of present petition filed under Section 482 Cr.P.C. read with Section 33(1) of the Aadhar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 ('Aadhar Act'), the petitioner seeks direction to respondent No.1/UIDAI to verify Aadhar details of the accused with the data bank of the Aadhar.
2. As per the facts of the present case, an information was received on 29.08.2021 by the Special Cell/NDR that one *Riyazuddin* was involved in the supply and giving of fake Indian currency notes. Based upon the said information, a trap was laid and the accused *Riyazuddin* was apprehended with 6 fake notes of Rs.2,000/- and 16 fake notes of Rs.500/-. Consequently, an FIR being FIR No. 228/2021 came to be registered under Section 489B/489C/120B IPC at P.S. Special Cell.



3. During the personal search of the accused, an Aadhar Card bearing the name *Riyazuddin* and having his photo was recovered. However, during the search of his car, another Aadhar Card bearing the name *Rohit* and having his photo was also recovered (hereinafter, '*the forged Aadhar Card*'). The said forged Aadhar Card was used to obtain a mobile number and make reservations in certain hotels. Subsequently, a chargesheet came to be filed in the present matter on 27.10.2021, whereas the investigation continued under Section 173(8) Cr.P.C. on the aspect of the forged Aadhar Card. Particulars of the forged Aadhar Card was checked on the UIDAI website, and since the details did not match with the petitioner, a supplementary chargesheet came to be filed under Sections 489B/489C/419/420/468/471/120B IPC on 23.05.2022.

4. Meanwhile, to verify the particulars of the forged Aadhar Card, a letter dated 20.04.2022 was sent to the Director, UIDAI seeking verification of the said Aadhar Card, however, vide reply dated 27.04.2022, the said request was refused and it was stated that necessary orders in terms of the Aadhar Act be obtained from the High Court in this regard. Thus, the present petition came to be filed.

5. Section 33(1) of the Aadhar Act empowers this Court to order disclosure of information including the identity information or authentication records of the Aadhar cardholder. It is further submitted that the information sought by the investigation agency falls within the ambit of 'identity information' as defined in Section 2(n) of the Aadhar Act.

Learned APP for the petitioner states that the information as sought from the UIDAI is crucial for the proper investigation and adjudication of the present case and that ends of justice would be served by ensuring that



such information is provided. He further states that the disclosure of such information in no manner whatsoever amounts to an invasion of the right to privacy of the card holder.

6. Considering the facts of the present petition, this Court is of the considered opinion that interest of justice would be served if the information as sought by the petitioner is provided. Consequently, the petition is allowed and the respondent No.1 authority is directed to provide all the relevant information qua the Aadhar Number mentioned in the letter No. 3099/R/ACP/Special Cell/NDR/Lodhi Colony, New Delhi dated 20.04.2022 addressed to Director, UIDAI, as per the provisions of the Aadhar Act.

7. The petition is accordingly disposed of.

MANOJ KUMAR OHRI, J

MAY 3, 2024/rd