



2026:DHC:2312



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P.(C) 5091/2025

Date of Decision: **16.03.2026**

IN THE MATTER OF:

POOJA KHANNA

.....Petitioner

Through: Mr. Mahboob Inayati and Mr. Shoaib Khan, Advocates.

versus

UNION OF INDIA

.....Respondent

Through: Ms. Radhika Bishwajit Dubey, CGSC along with Ms Gurleen Kaur Waraich, Mr. Kritarth Upadhyay & Mr. Saksham Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The present petition seeks a direction to the respondent-Ministry of Law and Justice to issue a Notary Practice Certificate to the petitioner.
2. It appears that *vide* notification dated 15th March, 2024 issued by the respondent, the petitioner was provisionally appointed as a notary, subject to verification of her eligibility, documents, and payment of requisite fees. Pursuant thereto, the petitioner submitted the documents and paid the requisite fees. The petitioner had also disclosed, on affidavit, about the

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pendency of a criminal case against her in the Patiala House Courts.

3. Since the Notary Practice Certificate was not issued to the petitioner, therefore, she has approached this Court.

4. On notice being issued, the respondent has filed its counter affidavit. It is stated therein that the case which is pending against the petitioner concerns offences under Sections 419, 420, 467, 471 read with Section 34 of the Indian Penal Code, 1860 ('IPC'). The respondent, therefore, contends that a person of unimpeachable character should only be appointed as Notary. Since a case is pending against the petitioner, therefore, she cannot be appointed.

5. Additionally, Ms. Radhika Bishwajit Dubey, learned CGSC submitted that the petitioner did not truthfully disclose all the relevant information. She places specific reliance on paragraph no. 2 of the counter affidavit, wherein it is stated that the petitioner was discharged on 18.08.2022, however, a revision was pending for orders. Thus, on the date on which the petitioner furnished her affidavit, the order of discharge was already set aside *vide* order dated 06.04.2024. It is, therefore, contended that when on 12.04.2024 the affidavit was sworn by the petitioner, truthful disclosure ought to have been made regarding the setting aside of the earlier discharge order.

6. The petitioner, however, justifies the conduct of not mentioning the factum of order dated 06.04.2024 on the ground that on the date on which the affidavit was sworn i.e., 12.04.2024, the order was not uploaded on the concerned Court's website. The petitioner reiterates that had there been an intention to conceal information, or engage in *suggestion falsi*, the petitioner would not have disclosed about the pendency of the criminal revision. According to the petitioner, the material fact which was required to be

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disclosed was to clearly state the stage of pendency of the criminal case against the petitioner.

7. I have considered the submissions made by the parties and also perused the record.

8. Section 10 of the Notaries Act, 1952 (hereinafter “Act”) reads as under:

“10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

*...
(e) is convicted by any court for an offence involving moral turpitude”*

9. The respondent in its reply has not been able to point out any specific provision in the Act, which would empower the respondent to withhold, or deny, the grant of Notary Practice Certificate to a person who has a criminal case pending against him/her. On the other hand, the Court finds that under Section 10 of the Act, the respondent is fully vested with the authority to remove the name of the Notary from its Register if the notary concerned is convicted by any Court for an offence involving moral turpitude. Thus, it is upon conviction that the consideration of removal of a Notary’s name from the register would arise. Mere pendency of the criminal case under the scheme of the Act, therefore, should not be the sole reason to disentitle the petitioner from the Notary Practice Certificate.

10. The petitioner like every other citizen of this Country enjoys the presumption of innocence until she is found guilty of an offence by a Court of law.

11. Insofar as the argument of Mrs. Dubey regarding non-disclosure is concerned, the Court is satisfied with the justification provided for by the



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petitioner. In any case, the gravity and seriousness of the purported non-disclosure is not sufficient to disentitle an individual, who is otherwise worthy of a Notary Practice Certificate, from receiving the same.

12. In view of the aforesaid, the Court deems it appropriate to issue following directions:-

- (i) Let the respondent to consider the petitioner's pending application for issuance of the Notary Practice Certificate and to pass a final decision within a period of two months from the date of receipt of copy of the order passed today;
- (ii) The pendency of the criminal case, should not be the reason to deny the issuance of Notary Practice Certificate; and
- (iii) If as per the respondent, there is any other impediment in granting the Notary Practice Certificate to the petitioner, it shall be at liberty to consider the same in accordance with law.

13. With the aforesaid observations, the instant petition stands disposed of, along with pending application.

PURUSHAINDR KUMAR KAURAV, J

MARCH 16, 2026

Nc