

A.F.R.

Reserved

Court No. - 76

Case :- WRIT - C No. - 12032 of 2024

Petitioner:- Rani Pandey And Another

Respondent:- State Of Up And 3 Others

Counsel for Petitioner:- Arun Kumar Singh, Ashutosh Upadhyay, Lallan Chaubey, Shikha Srivastava

Counsel for Respondent:- C.S.C., Chandra Shekher Singh, Dharmendra Kumar Shukla, Hari Keshav, Sonu Nirmal

Hon'ble Vinod Diwakar,J.

1. The present writ petition has been filed with the assertion that Petitioner Nos. 1 and 2 are legally wedded spouses, having solemnized their marriage on 22.02.2022 in accordance with Hindu customs and rites at the Bandevi Temple, located in District Mau. The petitioners rely on a photograph annexed as Annexure-2 in support of their claim. It is further stated that they have been cohabiting as husband and wife since their marriage. Petitioner No. 1 alleges that she is unable to visit her parental home due to threats to her life from her parents, arrayed as Respondent No. 4. Respondent No. 3 has been arrayed as the father of Petitioner No. 2. Petitioner No. 1 had submitted a complaint to the Superintendent of Police, Azamgarh, but alleges that no security has been provided to her. It is further stated that Petitioner No. 2 resides in Delhi for livelihood. In light of the perceived threat, the petitioners seek a direction from this Court to the Senior Superintendent of Police, Azamgarh, to ensure their safety.

2. On 27.04.2024, when the matter was called for hearing, no one appeared on behalf of the petitioners. However, Smt. Rani Pandey appeared in person along with her brother, Shri Radheshyam Pandey, and submitted before the Court that the present petition has been filed by an impersonator without her knowledge or consent, for some ulterior motive. She asserted that she had never visited Prayagraj for the purpose of signing the present petition and denied having signed the petition or the accompanying affidavit. She further submitted that her Aadhaar card had been misused in the process. She stated that she is legally married to one Shri Samrat Pandey and has two children from the said wedlock, aged approximately 6 and 5 years. Due to matrimonial discord and ongoing litigation, she currently resides with her father, Respondent No. 4.

3. After hearing Smt. Rani Pandey—the individual on whose behalf the present petition was allegedly filed—a show-cause notice was issued to Advocate Shri Lallan Chaubey (Roll No. A/L0050/2012, Chamber No. 79, Mobile No. 9452340385, R/o 37A/1, Karanpur, Prayagraj), seeking an explanation regarding the circumstances under which the petition came to be filed. The Registrar General of this Court was also directed to conduct a preliminary inquiry and submit a report in sealed cover regarding the circumstances under which the petition was filed and listed.

4. Pursuant to this Court's direction, a preliminary inquiry was conducted by the Registrar (J) (Enquiry), and a report in sealed cover was submitted. The inquiry concluded with the finding that the present Writ-C No. 12032 of 2024, titled *Smt. Rani Pandey and Another v. State of U.P. and Others*, was not filed by Smt. Rani Pandey, D/o Udai Bhan Pandey, R/o Mahui Fatehpur, Fatehpur Mandaw, District Mau. In his statement, Advocate Lallan Chaubey denied filing the petition and claimed that his name and signature had been misused by an impostor without his knowledge or consent. Shri Vijay Rai, Oath Commissioner, was *prima facie* found to be negligent in discharging his duties.

5. The police report indicates that Smt. Rani Pandey was married to Shri Samrat Pandey, S/o Ashok Pandey, on 28.01.2016 in accordance with Hindu rituals, and that they have two children from the said wedlock. Since 2022, due to marital discord, she has been residing with her parents.
6. The Enquiry Officer recorded statements of Shri Lallan Chaubey (Advocate), Smt. Rani Pandey, Km. Suchi Devi, Shri Uday Bhan Pandey, Shri Radhey Shyam Pandey, and Shri Vinod Pandey during the proceedings.
7. Considering the gravity and far-reaching implications of the matter, the Court deemed it appropriate to issue notices to Shri Samrat Pandey (husband of Smt. Rani Pandey), his father Shri Ashok Kumar Pandey, and Shri Vinod Pandey, in order to ascertain their version before arriving at any conclusion. Notice was served to Shri Samrat Pandey through the Director General, Sashastra Seema Bal, Ministry of Home Affairs, Government of India. A separate notice was also served to Shri Vinod Pandey through the local SHO, and all appeared before the Court.
8. Advocate Lallan Chaubey submitted an affidavit dated 13.05.2024 in compliance with this Court's order dated 27.04.2024, wherein he stated that he had no knowledge of the petition until he received a notice from this Court *via* his junior. He categorically denied signing the Vakalatnama or filing the petition, and asserted that his signature had been forged. Advocate Lallan Chaubey, in his statement before the Enquiry Officer, acknowledged that he is the subscriber of the mobile number and the holder of the advocate roll number mentioned in the petition.
9. Shri Samrat Pandey filed a counter affidavit dated 27.11.2024 through Advocate Shri Arun Kumar Singh, alleging that his wife, Smt. Rani Pandey, is in an adulterous relationship with Petitioner No. 2, Shri Vinod Pandey, his next-door neighbour. He claimed that his father had attempted reconciliation, but Smt. Rani Pandey refused to return and threatened to

falsely implicate him. He relied upon a compromise deed dated 27.05.2024 executed between the parties.

10. Similarly, Shri Vinod Pandey, in his affidavit, denied the allegations made in the petition and claimed to have no knowledge of who filed the petition on his behalf. He also denied the solemnization of any marriage with Smt. Rani Pandey.

11. After considering the submissions of learned counsel and interacting with Shri Samrat Pandey, Smt. Rani Pandey, Shri Vinod Pandey, and Advocate Shri Lallan Chaubey, this Court is of the *prima facie* view that a fraud has been perpetrated upon the Court to achieve an ulterior motive. It appears that such a fraud could not have been executed without the active involvement of an individual well-versed in court procedures.

12. It is an admitted fact that Smt. Rani Pandey is legally married to Shri Samrat Pandey, and they have two children. It is also undisputed that she resides with her parents due to a matrimonial dispute, and litigation is pending. Smt. Rani Pandey has raised serious apprehensions that the present petition might have been filed by her husband in collusion with an advocate to create grounds for divorce.

13. Its learnt that the Advocate on Roll (AOR), in whose name the petitions are filed, receives SMS notifications from the Registry of this Court on the mobile number linked to the AOR at five distinct stages of the filing process, and subsequently on each date the matter is listed. For illustration, a sample SMS template is provided below:

I. Stage-1: At the time of photo identification of the petitioners, as per the procedure outlined herein:

“Dear Advocate (A/---/2010).

Receipt of Rs. 600/- generated for your client-----

HCBA Tech Team”

II. Stage-2: At the time when the petition is assigned a filing number:

“Your physically filed a case CAPL received on -----, first party name-----, has allotted filing/receiving No. -----is pending at reporting-Allahabad High Court.”

III. Stage-3: At the time when any defect is raised by the Registry:

“Filing No.----- filed on ----- has defect (s) No..... Details of defect (s) are available on AHC website. -AHC”

IV. Stage-4: Upon clearance of any defects, if raised by the Registry:

“-----v. ----- filing no. ----- filed on ----- Reported clear and file is being forwarded to Fresh Filing Section-Allahabad High Court.”

V. Stage-5: At the time when the case is listed before the Court:

“Cases Listed on 00/00/2025 Advocate Name ----- (A/R-----/2012) [particulars of case]-Allahabad High Court”

14. It is apparent from the foregoing illustration that the learned Advocate, in whose AOR the present petition has been filed, must have received Rs. 475/- in the account linked to his AOR out of the Rs. 600/- deposited by the petitioners. Furthermore, it is likely that he received SMS notifications on the mobile number associated with the AOR on at least five occasions prior to the first hearing of the petition.

15. This case warrants a fair and thorough investigation, as the perpetrators appear to have attempted to perpetrate a fraud upon the Court. If the conspirators were to succeed in their design, it would not only constitute a travesty of justice and a stain on the criminal justice system, but would also gravely undermine public confidence in the rule of law and erode the very integrity of judicial institutions. Such an outcome strikes at the core of the justice delivery system and must be prevented with the utmost vigilance and resolve.

16. In view of the above, the Commissioner of Police, Prayagraj, is directed to conduct a preliminary inquiry into the matter. If a cognizable offence is found to have been committed, an FIR shall be registered forthwith, and a comprehensive investigation shall be conducted to uncover the fraud perpetrated upon this Constitutional Court. A free, fair and uninfluenced investigation is expected from the Commissioner of Police, Prayagraj to bring all conspirators and individuals who provided logistical or other support for executing the fraud before justice. Forensic and scientific methods are to be employed to ensure a fair, unbiased, and thorough investigation.

16.1 Commissioner of Police, Prayagraj shall himself monitor the investigation and after review of the progress of investigation, weekly record satisfaction in the case diary.

16.2 The inquiry shall be completed expeditiously, and quarterly progress reports shall be submitted to the Chief Judicial Magistrate, Prayagraj, without fail.

17. The Registrar (Compliance) is directed to transmit a certified copy of the complete case record to the Commissioner of Police, Prayagraj, for immediate compliance.

18. The Registrar General is directed to preserve the original case file in secure custody and produce it whenever required. If needed for forensic or scientific analysis, such as verification of signatures, stamps, or photo ID cards, the original record may be handed over to the Investigating Officer after keeping the certified copy of the same.

19. In light of the foregoing, the petition is **dismissed** in the aforesaid terms.

Order Date :- 12.5.2025

Shafique

Justice Vinod Diwakar