

Ct. Case No. 19/2025
CNR No. DLCT12-000254-2025
Vikas Tripathi vs. Sonia Gandhi
PS- IP Estate

11.09.2025

The undersigned is also looking after the work of Ld. CJM, RADC, New Delhi today.

Present: Mr. Himanshu Sethi and Mr. Neeraj, Ld.Counsels for the complainant alongwith the complainant.

1. Present criminal complaint has been filed under Section 175(4) of Bharatiya Nyaya Suraksha Sanhita, 2023(hereinafter referred to as 'BNSS'), seeking the registration of an FIR, for offence under Section 420 of Indian Penal Code, 1860 (hereinafter referred to as 'IPC')/318(4) Bharatiya Nyaya Sanhita, 2023(hereinafter referred to as 'BNS') for cheating and dishonestly inducing delivery of property, Section 468 IPC/336(3) BNS for forgery for the purpose of cheating, Section 466 IPC/337 BNS for forgery of public register etc., Section 471 IPC/340(2) BNS for using as genuine of forged document, Section 177/181/182 IPC or 212/216/217 BNS for furnishing false information to public servant, Section 120-B IPC/61(2) BNS for Criminal Conspiracy and Section 31 of Representation of People Act 1950 (hereinafter referred to as 'RPA,1950') for False declaration to secure entry in electoral rolls against Ms. Sonia Gandhi.

2. Brief facts of the complaint reveals that informant came across an article on NDTV on 13th of August 2025, titled 'Sonia Gandhi's Name Added to Voter List before She was Citizen, alleges BJP' and of material of extract of electoral roll of 1980, wherein Ms. Sonia Gandhi was registered as a voter in the year in 1980, even prior to being registered as Indian Citizen. Relying upon Judgement during the course of argument i.e **Rakesh Singh v. Sonia Gandhi 2011 SCC Online All 266**, it was revealed that Ms. Sonia Gandhi was married to Late. Sh Rajiv Gandhi, an Indian Citizen on 25.02.1968 and by

virtue of marriage with Indian Citizen, she acquired the citizenship on 30.04.1983 by registration under Section 5 (1)(c) of the Indian Citizenship Act, 1955. That when Ms. Sonia Gandhi acquired citizenship on 30.04.1983, the fact that her name appeared in electoral roll of 1980 in New Delhi Parliamentary Constituency, which also reveals that her name as well as of Sh. Sanjay Gandhi was deleted in 1982 and 1981 respectively bespeaks that without acquiring Indian Citizenship, being prerequisite to be enrolled in electoral roll, the inclusion of name of Ms. Sonia Gandhi begs for inference that false and forged document was prepared as well as false declaration was made before concerned authority, paving way for her inclusion in electoral roll, but public uproar subsequent thereto, led to deletion of her name from electoral roll of 1980.

3. To substantiate, Ld. Senior Counsel, Sh. Pavan Narang, have relied upon various judgments laying down that informant is well qualified to set criminal law into motion¹, that the offence being cognizable in nature, required mandatory registration of an FIR², which was not lodged despite complaint being made to SHO IP Estate on 24.08.2025 and to DCP, Central on 26.08.2025, therefore warranting present complaint before this Court. Relying upon Document no. 7 at page 142 of the complaint, and article in the newspaper The Pioneer dated 11th May, 1999, Ld. Senior Counsel have argued the aspect of citizenship of Ms. Sonia Gandhi at the time of commission of alleged offence and forgery and false declaration qua FORM -6, which is mandatorily is required to be filled for inclusion in electoral roll as per RPA, 1950 and RPA, 1951.

4. The proceeding were undertaken before this Court on 29.08.2025, 04.09.2025 and 10.09.2025 and arguments were heard, records were perused and submissions have been considered.

1 Kishor son of Sureshchandra Darda vs. The State of Maharashtra & Digambar son of Haribhau Pajgade, Criminal Application No. 469/2011, Bombay High Court, Kamaljeet Singh vs. Union Territory of J&K And Another, 2022 SCC OnLine J&K 340, Shailesh Mohan vs. State of Rajasthan And Another, S.B. Criminal Misc. Petition No. 2597 of 2017, A.R. Antulay v. R.S. Nayak & Others, (1984) 2 SCC 500, Vinod Kumar Pandey & Anr v. Seesh Ram, S.L.P no. 7900 of 2019.

2 Lalita Kumari vs. Govt. of Uttar Pradesh, (2014) 2 SCC 1

5. By way of the present complaint, the informant has sought to set the criminal law into motion with the evident object of persuading this Court to assume jurisdiction which, in law, does not vest in it. A scrutiny of the averments discloses that an endeavour has been made to invoke the provisions relating to the offences of cheating and forgery in order to provide a colour of jurisdiction before this forum. However, the fundamental ingredients necessary to constitute the alleged offences are conspicuously lacking. Mere bald assertions, unaccompanied by the essential particulars required to attract the statutory elements of cheating or forgery, cannot substitute a legally sustainable accusation as informant is merely relying *only* upon extract of electoral roll which is *photocopy of photocopy* of alleged extract of *uncertified* electoral roll of the year 1980. Such a course, in substance, amounts to a misuse of the process of law by projecting a civil or ordinary dispute in the garb of criminality, solely to create a jurisdiction where none exists.

6. It is further observed that this Court is not empowered to adjudicate upon questions which, by express constitutional and statutory mandate, fall within the exclusive domain of the Central Government in matters relating to citizenship which is exclusive domain of Central Government in view of Article 11 of Constitution of India, 1950 and Citizenship Act, 1955. Likewise, the authority to determine the eligibility of a person to be included in or excluded from the electoral roll and electoral offences thereof with predicate offence qua IPC/BNS is vested solely in the Election Commission of India under the Representation of the People Act, 1950, Representation of People Act, 1951 and the allied enactments. Any attempt by this Court to embark upon such an inquiry would result in an unwarranted transgression into fields expressly entrusted to the competent constitutional authorities and would be violation of Article 329 of Constitution of India, 1950. When the Kelsen's Grundnorm (Constitution of India, 1950) circumscribes the domain/arena of democratic function exclusively with Election Commission of India and Central Government qua superintendence, direction and control

of election and citizenship respectively, the informant herein cannot resort to norms (Citizenship Act, 1955, Representation of People Act, 1950 and Representation of People Act, 1951) and sub-norms (Indian Penal Code, 1860 and Bharatiya Nyaya Sanhita 2023) by way of private complaint to encroach upon the territory exclusively ordained for Election Commission of India and Central Government, as citizenship being exclusive relationship between sovereign state and the subject. *Whatever cannot be done directly, cannot be done indirectly. Mere addition of predicate offences under BNS 2023, with the mask of cognizability, will not justify for any interference in the Constitutional Functionaries by this Court.*

7. In these circumstances, it becomes manifest that the present complaint has been fashioned with the object of clothing this Court with jurisdiction through allegations which are legally untenable, deficient in substance, and beyond the scope of this forum's authority. Such a stratagem constitutes nothing but an abuse of the process of law, which this Court cannot countenance. **Complaint stands dismissed *in limine*.**

8. *Copy of Order be given dasti.*

9. After due compliance, file be consigned to record room.

(Vaibhav Chaurasia)
ACJM-04, RADC, New Delhi
11.09.2025