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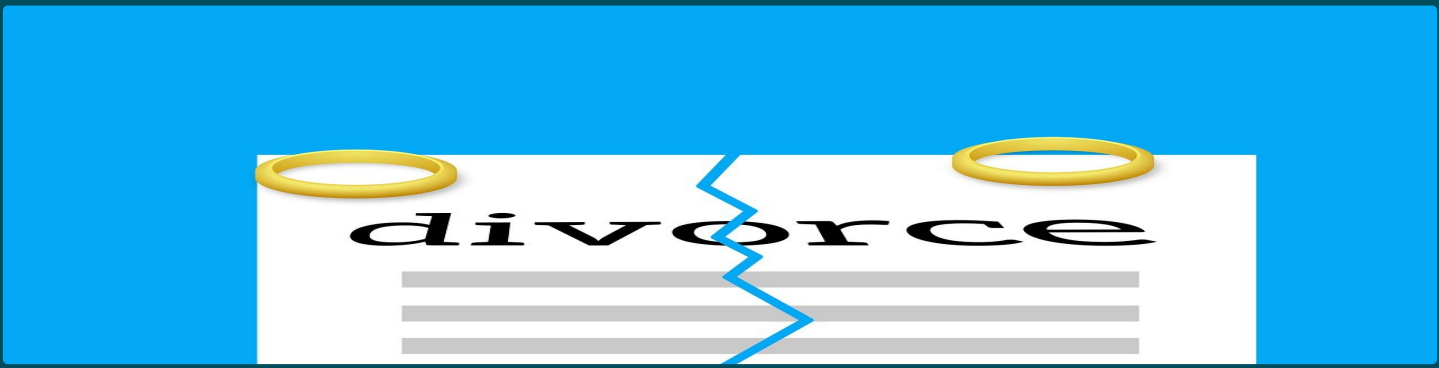

FAMILY LAW

A Profile of Deceit: Delhi High Court Upholds Annulment Over Hidden Divorce and Inflated Income

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In a decision that signifies the importance of absolute honesty on matrimonial platforms, the Delhi High Court has ruled that deliberately hiding a previous marriage and misrepresenting one's income constitutes fraud, providing valid grounds for the annulment of a marriage. The judgment, delivered in the case of Sameer Pareek vs. Shweta Pareek (MAT.APP. (F.C.) 87/2024), affirms that consent for marriage obtained through such deception is neither free nor informed, striking at the very foundation of the marital contract.

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The Genesis of a Flawed Alliance

The relationship began on the popular matrimonial website, "www.shaadi.com". Based on the information presented in the appellant's (Sameer Pareek's) profile, the respondent (Shweta Pareek) consented to the alliance. However, she later discovered that the profile contained critical falsehoods. The two most significant deceptions were the appellant's marital status, listed as "Never Married" when he was in fact a divorcee with a child from his prior marriage, and his annual income, which was stated as "USD 200K and above" but was actually closer to USD 120K-130K.

Feeling deceived, Shweta Pareek approached the Family Court in Rohini, seeking to have the marriage annulled under Section 12(1)(c) of the Hindu Marriage Act, 1955, which deals with consent obtained by fraud. The Family Court, after examining the evidence, sided with her, concluding that these misrepresentations were indeed material facts that had fraudulently induced her consent. On January 19, 2024, the court passed a decree of nullity, annulling the marriage. It was this decision that the husband, Sameer Pareek, challenged before the Delhi High Court.

The Legal Standoff: Contentions and Defences

Before the High Court, the appellant attempted to defend his actions with several arguments. He claimed he had orally disclosed his previous marriage during a meeting and argued that the wife's petition was filed too late. He also offered a "strained and self-serving interpretation" for his use of the word "unmarried" in his legal pleadings, suggesting it simply meant he was not married to anyone else at that moment. Finally, he tried to distance himself from the online profile by claiming his parents had created it without his knowledge.

The respondent, however, firmly countered these claims. She argued that the distinction between being "Never Married" and "Divorced" is fundamental and that the appellant's profile was a calculated deception. Her consent, she maintained, was a direct result of these false representations concerning his marital history and financial standing, facts that were material to her decision to marry.

The Court's Meticulous Analysis

The High Court carefully dismantled each of the appellant's arguments. It found his explanation for the term "unmarried" to be completely untenable, emphasizing that "Never Married" is an unambiguous statement about one's entire life history, not a temporary status. The Court ruled that suppressing a prior marriage and, crucially, the existence of a child from that union, is a fact so significant that it is "profoundly material to any prospective spouse's decision."

Echoing the principles laid down in cases like *Anurag Anand v. Sunita Anand*, the High Court held that misrepresenting one's financial status is also a material fraud. It reasoned that for a highly educated individual, the financial stability of a prospective partner is a key consideration, and the inflated income figure was a deliberate falsehood designed to induce consent. The Court also summarily dismissed the appellant's attempt to blame his parents for the profile, noting that he had actively used the platform's chat feature and was therefore fully responsible for the information it contained.

The Final Verdict and its Implications

Finding no error in the Family Court's judgment, the Delhi High Court concluded that the appellant had engaged in a clear case of fraud as defined under Section 12(1)(c) of the Hindu Marriage Act. The consent given by the respondent was tainted by deceit regarding material facts that struck at the core of the marital relationship.

Consequently, the High Court dismissed the appeal and upheld the decree of nullity. This judgment is a powerful cautionary tale for users of matrimonial websites, reinforcing that the digital veil does not grant a license for dishonesty. It establishes a strong legal precedent that free and informed consent requires complete transparency about one's past, and that marriages built on a foundation of lies can, and should, be legally undone.

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