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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./59/2024

M/S BHARALI COMMERCIALS PVT LTD AND 2 ORS
A PRIVATE LIMITED COMPANY DULY INCORPORATED UNDER THE
COMPANIES ACT, HAVING ITS REGISTERED OFFICE AT SARBODAYA
TRUST, H.B. ROAD, PAN BAZAR, GUWAHATI-781001

2: SMT. MANISHA JAIN
DIRECTOR OF M/S BHARALI COMMERCIALS PVT. LTD.
W/O SRI ANKIT JAIN
ADDRESS- SARBODAYA TRUST BUILDING
H.B. ROAD
PAN BAZAR
GUWAHATI-781001

3: SMT. INDRAMANI DEVI JAIN
DIRECTOR OF M/S BHARALI COMMERCIALS PVT. LTD.
W/O SRI ANKIT JAIN
ADDRESS- SARBODAYA TRUST BUILDING
H.B. ROAD
PAN BAZAR
GUWAHATI-781001

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PP, ASSAM

2:M/S NORTH EASTERN ELECTRICALS
A PARTNERSHIP FIRM HAVING ITS OFFICE AT T.N. TOWER
A.T. ROAD
PALTAN BAZAR
GUWAHATI-781001
REPRESENTED BY ITS PARTNER SHRI MRIDUL KEJRIWAL.

3:SHRI MRIDULKEJRIWAL

S/O SHRI RAMESH KEJRIWAL
PARTNER OF M/S NORTH EASTERN ELECTRICALS
HAVING HIS OFFICE AT T.N. TOWER
A.T. ROAD
PALTAN BAZAR
GUWAHATI-78100

Advocate for the Petitioner : MR. N N JHA, D DAS, MS M SAHOO, MR. M BERIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 26-02-2026

Heard Ms. M. Sahoo, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Addl. P.P appearing for the State.

By the last order dated 30.01.2026, the then engaged counsel for the respondent No. 2 & 3 had made a mention that the file has been returned to the litigant and he is no longer engaged in the case and that he seeks to withdraw the Vakalatnama. The prayer was allowed by the Court. The respondent No. 2 & 3 are required to appear on the next date through their new counsel.

The case of the petitioner is that when a demand for Rs. 50,000/- was made through the notice dated 28.04.2023 from the petitioner herein due to dishonour of their Cheque No. 000810 dated 12.04.2023 drawn on HDFC Bank, Pan Bazar Branch, Guwahati-781001, the petitioner has made an arrangement for payment of the said amount of Rs. 50,000/- on 09.05.2023 by NEFT to the respondents. The respondents have filed an affidavit before this Court where the amount received of Rs. 50,000/- is admitted but a mere statement has been

made that it was not clear whether it was ledger account payment or against the cheque dishonoured. Since the cheque was of the amount of Rs. 50,000/- and an amount of Rs. 50,000/- had been paid by the petitioner and that the proceeding in the Trial Court had been initiated on a mere assumption that it may not be the money relating to the amount promised through the cheque, this Court is of the opinion that the purpose of the law would not be fulfilled, if the respondent No. 2 & 3 herein are allowed to proceed to prosecute the petitioner herein on the basis of an assumption and more so when the amount claimed by the legal notice already stands paid.

In view of the above, this Court is of the opinion that the proceeding in C.R Case No. 3777/2023 pending before the Court of the Judicial Magistrate 1st Class Kamrup(M), Guwahati u/s 138 of N.I Act does not require to proceed with and therefore, stands closed.

Accordingly, this criminal petition stands disposed.

JUDGE

Comparing Assistant