

GAHC010142462025



2026:GAU-AS:3853

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

Case No. : Crl.Pet./761/2025

PAVNEET GULATI
R/O HOUSE NO. 330, BLOCK E, RANJIT AVENUE, AMRITSAR, PUNJAB-
143001.

VERSUS

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

2:OFFICER IN CHARGE/ INVESTIGATING OFFICER
CID
PS. ULUBARI
GUWAHATI
ASSAM

3:C I D
ASSAM
THROUGH THE DEPUTY SUPERINTENDENT OF POLICE
CID ASSAM
ULUBARI
GUWAHATI
ASSAM

4:KAMAL SABHARWAL
DIRECTOR AND AUTHORISED REPRESENTATIVE OF SABHARWAL
TRADING INDIA PVT. LTD. HAVING OFFICE AT 6779 JC-33 SHYAMJI MAL
LANE
NABI KARIM PAHARGANJ
DELHI- 110055.

5:MOHIT KALRA
R/O 5 CHERRY LANE
CHINNAR DRIVE
DLF CHATTARPUR

NEW DELHI- 110074.

6:RAJINDER SHARMA
R/O E 1/40
ASHOKE VIHAR
PHASE-II
NEW DELHI-110052

Advocates for the petitioner : Mr. K.N. Choudhury, Sr. Advocate

Mr. T. Kashyap, Advocate

Mr. K. Ahmed, Advocate

Advocates for the respondents : Mr. A.K. Bhuyan, Advocate

Linked Case : Crl.Pet./1189/2025

SHRI KHUSDEEP BANSAL AND ANR
SON OF SHRI TEJ PAL BANSAL
R/S-W5/27
WESTERN AVENUE
SAINIK FARM
P.S. NEB SARAI
DISTRICT- SOUTH DELHI
NEW DELHI-11006.

2: SHRI HARISH BANSAL
SON OF SHRI TEJ PAL BANSAL
R/S-W10
C/12
WESTERN AVENUE
SAINIK FARM
P.S. NEB SARAI
DISTRICT- SOUTH DELHI
NEW DELHI-11006.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR
ASSAM.

2:SRI KAMAL SABHARWAL
SON OF MANHINDER SABHARWAL C/O- M/S SABHARWAL TRADING INDIA

PVT. LTD. AT 6779 JC-33
SHYAMJI MAL LANE
NABI KARIM
PAHAR GANJ
NEW DELHI-110055.

Advocates for the petitioner : Mr. Z Kamar, Sr. Advocate
Mr. K Singha, Advocate

Advocate for the respondents : Mr. A.K. Bhuyan, Advocate

:::BEFORE:::

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

Date on which judgment is reserved : 05.03.2026

Date of pronouncement of judgment : 17.03.2026

Whether the pronouncement is of the : No
operative part of the judgment ?

Whether the full judgment has been : Yes
pronounced?

JUDGMENT & ORDER (CAV)

Heard Mr. K.N. Choudhury, learner Senior Counsel assisted by Mr. K. Ahmed, learned counsel for the petitioner in Crl.Pet. 761/2025 and Mr. A.K. Bhuyan, learned counsel for the respondent Nos.4 -6. Also heard Mr. Z. Kamar, learned Senior Counsel assisted by Mr. K. Singha, learned counsel for the petitioners in Crl.Pet. 1189/2025 and Mr. A.K. Bhuyan, learned counsel for the respondent No. 2.

2. In the application being Crl.Pet. 761/2025, the petitioner has challenged the order dated 06.06.2025, passed by the learned Chief Judicial Magistrate, Kamrup (M), in C.R. Case No. 204^C/2025. The petitioner has also prayed for a direction for registration of the FIR by appropriate authority and for a fair investigation.

3. It is the case of the petitioner that an FIR was lodged, stating, *inter alia*, that an earlier FIR was lodged by STIPL and its associates, Rajinder Sharma and Mohit Kalra and in pursuance to the same CID P.S. Case No. 16/2023 was registered. It was alleged in the said FIR that the accused persons have lured the informant and other victims to supply and deliver blankets, school bags and mosquito nets. It was also alleged in the said FIR that an MoU was executed between STIPL and Matak Autonomous Council and purchase orders were issued by Matak Autonomous Council in favour of STIPL, valued at Rs.110,50,00,000/- and Rs.31,32,00,000/-. It was alleged that pursuant to the purchase orders, STIPL supplied the required quantity of school bags, blankets and mosquito nets between the period from October, 2022 to December, 2022 to the Matak Autonomous Council. For the said supply Rs.4.4 crores was paid to STIPL and an amount of Rs.59 crores remained to be paid along with Government of Assam stamps. The informant in the instant FIR has tried to bring into the notice of the police that the business between the STIPL and Matak Autonomous Council was a fraud and that they got the FIR

registered at CID, Assam by fabricating the facts. It is also stated that the fraud includes creation of sale of goods only on paper devoid of actual delivery of the goods. But the said FIR was not registered, although prayer was made for registration of the same and to investigate the injustice caused in the entire gamut of the facts.

4. Mr. K.N. Choudhury, learned Sr. Counsel for the petitioner submits that there cannot not be any question of delivery of the articles as mentioned in the demand orders and to substantiate the facts he has placed the concerned company, i.e., Radha Krishna Enterprises, who deals in jute hessian bags, cannot be considered to have supplied school bags. Likewise, the other company, i.e., Supreme Steel & Udyog, who deals in steel items, cannot be expected to supply school bags and other articles to the Matak Autonomous Council. Similar is the case with Guru Nanak Enterprises, who deals in plastic shoes as well as Himalaya Traders, who deals in soap, organic surf etc. As such, he submits that the FIR which was registered in a CID case, which resulted in charge-sheet and the trial, projected a total incorrect story. To bring into the picture that such a proceeding was wrong, the petitioner preferred the instant FIR, which was again not registered, as stated above. He further submits that the petitioner has been falsely implicated in the said criminal case by STIPL and his associates, which was registered as CID P.S. case No. 16/2023. He further submits that the entire case is based on a fabricated narrative only

to shield the actual financial fraud committed by STIPL, as a result of which the petitioner, Sri Harish Bansal and Sri Khushdeep Bansal were arrested on 04.02.2024. However, they were released thereafter. It is also submitted that the vendor suppliers in the alleged transactions are shell entities only to facilitate false billing and GST fraud. On 28.03.2025, the petitioner lodged the FIR before the Special Director General of Police, CID, detailing the said fraud, but the same was not registered. It is also stated that the wife of Sri Harish Bansal, Smt. Mamta Aggarwal had taken steps and complained, but no action has been taken till date. It is, as such, prayed that if the matter is not investigated upon, the fraud will continue and the real facts will never come to light.

5. Mr. A.K. Bhuyan, learned counsel for the respondent Nos.4-6, however, submits that the FIR lodged by the petitioner was only an afterthought and only to delay the proceedings, which was already tried once by Smt. Mamta Aggarwal, wife of Sri Harish Bansal. Whatever story is required to be projected by the petitioner could be projected during the trial of the CID case and an independent FIR after so many years was not required at all, which will do nothing but delay the entire proceedings.

6. It is stated by the learned counsel that the petitioner has introduced the agents of STIPL to the Matak Autonomous Council and on their assurance the STIPL had entered into an MoU with the Matak Autonomous Council and when money was not received from

the same, the STIPL had gone and verified about the actual existence of the Matak Autonomous Council, but could not find any persons in the office and could make out that it was the petitioner along with others who had entered into a conspiracy and cheated the STIPL.

7. In consideration of the submissions made by the learned counsels, more so, due to the fact that the erstwhile FIR was lodged by STIPL and the case was instituted and is going on, the present FIR lodged by the petitioner should also be considered for the ends of justice.

8. As such, it is directed that the FIR lodged by the petitioner be registered and to be investigated upon by the police. Further, in the order dated 06.06.2025 it was held that a complaint petition was filed beforehand by Smt. Mamta Aggarwal, wife of Sri Harish Bansal, which was ordered for an enquiry and on the said date, i.e., 06.06.2025, the enquiry was not over and since the petitions were similar, the FIR filed by the petitioner was dismissed. However, it has been stated at the Bar that the complaint filed by Smt. Mamta Aggarwal was dismissed and since there are no similar petition pending, the instant FIR filed by the petitioner may be enquired upon or investigated upon by the concerned police.

9. As far as the CrI.Pet. No. 1189/2025 is concerned, the order challenged therein, i.e., order dated 08.08.2025 by which the

further investigation in connection with CID Police Station Case No. 16/2023 was not allowed and the said prayer was rejected need no interference in view of the order passed in Crl.Pet. No. 761/2025.

10. The criminal petitions stand disposed of.

JUDGE

Comparing Assistant