

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CRL.) No. 5817/2026)**

KAMAL SABHARWAL

APPELLANT(S)

VERSUS

THE STATE OF ASSAM & ORS.

RESPONDENT(S)

**WITH
CRIMINAL APPEAL NO. _____ OF 2026
(@ SLP(CrI) No. 8392/2026)**

O R D E R

1. Leave granted.
2. We have heard the learned Senior Counsel appearing for the appellants, and the learned Senior Counsel appearing for the respondents.
3. Respondent No.2 herein had preferred an application under Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (the BNSS) seeking a direction to register an FIR against the appellant. The Trial Court dismissed the application. The same was reversed by the High Court and a direction was passed to register an FIR against the appellant. Aggrieved, the present appeal has been preferred.

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SWETA BAILOI
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Reason: []

The issue for consideration is as to whether the High Court is right in setting aside the order of the Trial Court which declined to exercise its power under Section 173(4) of the

BNSS on the sole premise that in view of the FIR registered at the instance of the appellant(s) leading to filing of multiple chargesheets, the subsequent complaint preferred by respondent No.2 against the appellant will also have to be registered and thereafter proceeded with.

5. Neither the High Court has found fault with the reasoning given by the Trial Court nor any cogent reasoning has been given by them for allowing the criminal petition. Notwithstanding the arguments made on merit, the order cannot can be sustained in the eye of law on that score alone. Thus, without going into the submissions made by the learned counsel appearing for the parties, we are not in a position to give our impromptu to the order passed by the High Court. Accordingly, the same stands set aside.
6. That leaves us to the next issue raised by Mr. Dama Seshadri Naidu, learned Senior Counsel appearing for the respondents. It is submitted by him that the first complaint has been given, on behalf of the respondent - Mamta Bansal. Admittedly, she is the wife of the accused in the complaint given by the appellant(s). We do not wish to say anything on that except by giving liberty to the respondents to take recourse to law.
7. With the aforesaid observations, the appeals stand allowed.

8. Pending application(s), if any, shall stand disposed of.

.....J .
[M.M. SUNDRESH]

.....J .
[PRASANNA B. VARALE]

NEW DELHI;
6th OCTOBER, 2026

ITEM NO.42

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5817/2026

[Arising out of impugned final judgment and order dated 17-03-2026
in CRLP No. 761/2025 passed by the Gauhati High Court]

KAMAL SABHARWAL

Petitioner(s)

VERSUS

THE STATE OF ASSAM & ORS.

Respondent(s)

IA No. 202768/2026 - EXEMPTION FROM FILING O.T.

WITH

SLP(Crl) No. 8392/2026 (II)

IA No. 202574/2026 - EXEMPTION FROM FILING O.T.

Date : 06-10-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Siddharth Dave, Adv.
Mr. Sumant De, Adv.
Mr. Rohit Khurana, Adv.
Mr. Akshara Santosh, Adv.
Mr. Alsamad Qureishi, Adv.
Mr. Suvansh Pathak, Adv.
Mr. Kumar Harsh, Adv.
Mr. Divakar Kumar- 2661, AOR

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Arjun Dewan, Adv.
Mr. Aryan Deol, Adv.
Mr. Yuvraj Gogia, Adv.
Mr. Nitin Saluja- 2868, AOR
Ms. Pranya Madan, Adv.
Ms. Shivani Mehta, Adv.

For Respondent(s) Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Kaushik Choudhury, AOR
Mr. Kasif Ahmed, Adv.
Mr. Jyotirmoy Chatterjee, Adv.
Ms. Aaheli Roy, Adv.
Ms. Anisha Mahajan, Adv.

Mr. Chinmoy Sharma, Sr. A.A.G.
Mr. Ankit Roy- 3248, AOR
Mr. Irfan Hasieb, Adv.
Mr. Vijay Deora, Adv.
Mr. Aditya Agarwal, Adv.
Ms. Mrinalini Ramesh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(POONAM VAID)
ASSISTANT REGISTRAR