IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4806 OF 2026
(ARISING OUT OF S.L.P. (CRL.) NO. 1529 OF 2026)

SUNITA NAMCHOOM … APPELLANT

VERSUS

STATE OF ARUNACHAL PRADESH & ORS. … RESPONDENTS

O R D E R

1. Leave granted.

2. The present appeal calls in question the impugned judgment and order dated 25th September, 2024 passed in Case No.Crl.Petn./117/2021 by the Gauhati High Court (for short, 'the High Court'). By the said order, the High Court has quashed the First Information Report being F.I.R. No.08/2021 dated 22nd April, 2021, registered at P.S.: Chongkham, District: Namasai, Arunachal Pradesh for the offences punishable under Sections 120-B, 418 and 423 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 3(1)(p) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC & ST Act').

3. We have heard Mr. Dushyant Verma, learned counsel

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appearing for the appellant, Ms. Akansha, learned counsel appearing for respondent No.1–State and Mr. M.L. Lahoty, learned counsel appearing for respondent No(s). 2 and 3.

4. The F.I.R., itself, was registered by late Meohou Namchoom who was the father of the appellant. In the F.I.R., respondent No(s).2 and 3 were named as accused. It was alleged in the F.I.R. that the complainant along with his daughter–appellant were the owner and controller of M/s. Chowkham Saw and Veneer Mills Pvt. Ltd. (for short, 'the Company'). It was, further, alleged that attempts were being made by respondent No.2 to oust the complainant and the appellant from their business. It was also alleged that the complainant was informed that respondent No.2 along with his son (respondent No.3) had on 10th April, 2021, fraudulently and illegally sent an email from the email account being 'namchoom1945@gmail.com' without his knowledge, purportedly saying that the complainant has resigned from the Company of which, he along with his daughter–appellant were holding 58 per cent shares.

5. The grievance of the complainant was that when the meeting was to be convened to induct his daughter–appellant as the Director of the Company and when the resolution to that effect was sought to be uploaded, it was realised that the complainant has been logged out on account of a

resignation email sent to the Ministry of Corporate Affairs (for short, 'the MCA').

6. It is not in dispute even before us that the investigation was at a crucial stage when the High Court, *vide* the impugned judgment and order in a quash petition filed at the behest of respondent No(s).2 and 3, had quashed the proceedings following the principal findings. Relevant paragraphs of the impugned judgment and order are reproduced as under:

> **"13. The contents of the FIR as extracted hereinbefore disclose that the original complainant and the substituted respondent no.2 are majority shareholders having 58% share in the company. It is alleged that resignation of the complainant from the company was fabricated and forged. Therefore, issue relates to the office of the Director of a private limited company. These issues relating to management of a company are ordinarily required to be inspected, enquired and investigated under Chapter-XIV of the Companies Act, 2013 and such an investigation can also be carried out by Serious Fraud Investigation Office as provided under the said chapter. The issues relating to management of the affairs of the company is not within the domain of a normal police investigation upon lodging of an FIR.**
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> **.. .. ..**
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> **16. It is seen that the FIR was lodged on 23.04.2021 and by now three years and five months have passed by but the IO has not filed any charge-sheet, which leads to a presumption that perhaps till date no evidence could be collected of any hacking of email or illegal transmission of resignation by email.**
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> **17. There is no material in the FIR, which discloses any cognizable offence has been made out**

> because the complainant (since deceased) and the substituted respondent no.2 are still shareholders of 58% share as stated in the FIR and therefore, appropriate steps as permissible under Companies Act can still be resorted to take control of the management of the private limited company.
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> .. ..
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> 21. As indicated above, an offence relating to the affairs of a company or relating to dispute regarding management of a company has to be inspected, enquired and investigated under Chapter-XIV of the Companies Act. The Companies Act, 2013 being a special law prevail over the general law. Moreover, the ingredient of cheating as defined under Section 415 of the IPC is not disclosed in the FIR. Moreover, the FIR does not disclose execution of any deed of transfer of any property or any interest therein. Therefore, prima facie, the ingredients of Section 418 and 423 of the IPC under which the FIR is registered is also not disclosed in the FIR.
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> 22. There is no nothing on record to show that the petitioners are at the location of the Chowkham Saw and Veneer Mills Pvt. Ltd. and they have taken over the physical possession of the immovable assets or plant/machinery of the company. Therefore, the FIR does not disclose as to what was the conspiracy between the petitioners so as to attract provision of Section 120B of the IPC."

7. Having heard the learned counsel appearing for the parties, we are of the opinion that the High Court was not justified in nipping the prosecution at its bud.

8. Pursuant to the complaint of the *de-facto* complainant, the F.I.R. was registered and the investigation was in progress. Clear allegations of

fabrication of documents were alleged. Whether it is right or wrong, is for the investigating agency to decipher.

9. **But, for the High Court to record a finding that these are the issues to be ordinarily inspected and investigated under Chapter XIV of the Companies Act, 2013 and are not within the domain of the Police, is incorrect. It is well settled that merely because certain civil and other remedies are available, criminal prosecution cannot be foreclosed. The further finding recorded by the High Court that since a period of more than three years has elapsed and the chargesheet has not been filed, it leads to the presumption that no evidence could be collected, is conjectural in nature. Further, the finding that no cognizable offence was disclosed in the F.I.R. is incorrect, and that the appellant-daughter of the *de-facto* complainant is holding 58 per cent shares, are the issues not germane to the prosecution case. The finding that no offence has been disclosed in the F.I.R. attracting Sections 415, 418 and 423 of the IPC, are all premature. The F.I.R., as is well settled, is not an encyclopedia of the prosecution case.**

10. **In view of the facts and circumstances of the case, we are of the opinion that the High Court has quashed the**

proceedings at a very premature stage by applying the principles which are alien to the quashment of proceedings

11. **No arguments were advanced by the learned counsel for the respondent(s) in support of the quash petition.**

12. **For the reasons stated above, we set aside the impugned judgment and order passed by the High Court. Resultantly, the investigation will continue in F.I.R. No.08/2021 dated 22nd April, 2021, registered at P.S.: Chongkham, District: Namasai, Arunachal Pradesh for the offences punishable under Sections 120-B, 418 and 423 of the IPC and Section 3(1)(p) of the SC & ST Act.**

13. **It is for the Police to decide after investigation as to whether there is any merit in the F.I.R. or not. The respondent No(s).2 and 3 are free to avail remedies depending upon the outcome of the investigation.**

14. **Needless to observe that the investigation will be carried out uninfluenced by any of the observations made either in the impugned judgment and order of the High Court or in this order.**

15. **We make it clear that in view of the time that has expired, in the peculiar facts of the case, respondent No(s). 2 and 3 shall not be arrested pending investigation,**

subject to their cooperation with the investigation and furnishing bonds of Rs.25,000/- each and two sureties of the like amount to the satisfaction of the Investigating Officer.

16. **Accordingly, the Appeal stands allowed in the above terms.**

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

.....J.
(K.V. VISWANATHAN)

.....J.
(ARUN PALLI)

New Delhi;
October 08, 2026.
ss

ITEM NO.37 COURT NO.13 SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1529/2026

[Arising out of impugned final judgment and order dated 25-09-2024 in CRLP No. 117/2021 passed by the Gauhati High Court at Itanagar]

SUNITA NAMCHOOM Petitioner(s)

VERSUS

THE STATE OF ARUNACHAL PRADESH & ORS. Respondent(s)

[IA No. 239768/2026 – APPLICATION FOR FILING ADDITIONAL DOCUMENTS]

Date : 08-10-2026 This matter was called on for hearing today.
CORAM : HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) : Mr. Capt. Dushyant Verma, Adv.
Mr. Abhik Kumar, Adv.
Mr. Rinku Mathur, Adv.
Mr. Kumar Saurabh Singh, Adv.
Mr. Vivek Narayan Singh, Adv.
Mr. Rana Pratap Singh, Adv.
Mr. Aman, Adv.
Mr. Praveen Swarup- 1227, AOR

For Respondent(s) : Ms. Eliza Barr, Adv.
Ms. Akansha- 4029, AOR

Mr. M.L. Lahoty, Adv.
Mr. Anchit Sripat, Adv.
Ms. Siddhi Bohra, Adv.
Mr. Himanshu Shekhar- 1184, AOR

Upon hearing the counsel the Court made the following

O R D E R

1. Leave granted.

2. The appeal stands allowed in terms of of the signed order.

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

(SHUBHAM SONI) (NIKITA SINGH)
COURT MASTER (SH) COURT MASTER (NSH)

(Signed order is placed on the file)

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