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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1057/2016 & CRL.M.A. 18465/2016 & 30928/2019**

SAMSUNG GULF ELECTRONICS, FZEPetitioner

Through: Mr. Saif Khan, Mr. Niraj Singh,
Mr. Achuthan Sreekumar and
Mr. Rohit Bansal, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Amit Tiwari, CGSC with
Ms. Ayushi Srivastava and Mr. Ayush
Tanwar, Advocates for UOI.
Ms. Rekha Pandey, SPP with
Mr. Raghav Pandey, Advocate for
R-1/MEA.
Mr. Ripudaman Bhardwaj, SPP for
CBI.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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03.07.2025

CRL.M.A. 18465/2016

1. Application under Sections 340 and 195 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of Respondent No.5, Pradeep Kumar Gathania for initiating perjury proceedings against the Petitioner for having made false averments/statements before Court of Dubai, United Arab Emirates (UAE).
2. Clearly from its averments, it is pertinent that perjury, if any, has been committed by the Petitioner in the Court of Dubai, UAE, for which he is at liberty to move an appropriate application before the Court of competent jurisdiction.



3. There is not merit in the present application, which is hereby dismissed.

CRL.M.A. 30928/2019

4. Application under Section 482 of Cr.P.C. has been filed on behalf of the Petitioner seeking that directions be given Respondent No.1 for complying with Order dated 07.02.2017 passed by this Court.

5. Brief background is that MEA vide its OM No.T413/21/2004 dated 03.03.2008 forwarded the documents received from UAE Authorities requesting for legal prosecution in respect of seven nationals, which included Respondent No.5 Pradeep Kumar Gathania, who had fled to India after committing the offence of financial mis-appropriation in UAE. Since, he belonged to U.P., MHA vide letter dated 23.04.2008 forwarded original documents, as received from MEA, to State Govt. of U.P. with request to investigate the case and approach MHA for grant of prosecution sanction under Section 188 Cr.P.C.

6. Thereafter, State Govt. of U.P. vide its letter dated 17.04.2014 intimated that accused Pradeep Kumar Gathania has been declared guilty by Court at Dubai in Case No.751/2004 for the charges of cheating, forgery and deception. After the judgment, proceedings of extradition were conducted and Red Corner Notice was issued against him. Thereafter, solely to escape arrest, he filed W.P.(CRL.) 1234/2006 before this Court, to which, CBI filed its counter affidavit and requested MHA to conduct extradition proceedings or give prosecution sanction under Section 188 Cr.P.C., though, no progress was made.

7. In the meanwhile, W.P.(CRL.) 1052/2012 was filed before this Court seeking grant of sanction for prosecution against accused Pradeep Kumar



Gathania in India itself, to which, MHA filed its reply stating that State Govt. of U.P. has not provided supporting material, as was asked for. It was noted that the State Govt. of U.P. did not inform, if any case was registered against the accused Pradeep Kumar Gathania. However, assurance was given that MHA would consider the case for grant of prosecution sanction under Section 188 Cr.P.C. Provided the State Govt. of U.P. undertook certain investigations and submitted its report with FIR and other details.

8. Thereafter, this Court vide Order dated 26.03.2015 disposed off the aforesaid writ petition with the directions to take necessary steps to proceed against accused Pradeep Kumar Gathania, in accordance with law.

9. The matter was examined and based on available record and recommendations of State Govt. of U.P. for sanction, the Competent Authority decided to grant sanction for prosecution under Section 188 Cr.P.C. and was conveyed to Govt. of U.P. vide Order dated 19.10.2015.

10. In the interim, Petitioner herein filed the instant writ petition praying for quashing of Order of MHA dated 19.10.2015 and seeking an Order to prosecute him in Delhi and not in U.P. This Court, vide Order dated 07.02.2017, allowed this Petition and directed that if the sanction is granted under Section 188 Cr.P.C., Respondent No.5 Pradeep Kumar Gathania may be prosecuted before a competent Court in Delhi.

11. In compliance of this Order dated 07.02.2017, MHA sought advice of MEA, which recommended that the matter be referred to CBI for consideration of legal prosecution of Respondent No.5 Pradeep Kumar Gathania.

12. Thereafter, the present Application was filed on behalf of the Petitioner for compliance of the Order dated 07.02.2017, to which, Status



Report has been filed on behalf of Respondent No.1 Ministry of External Affairs (MEA), wherein, it is submitted that in compliance of Order dated 07.02.2017 of this Court, Respondent No.1 /MEA has recommended to refer the matter to CBI for local prosecution of Respondent No.5 Pradeep Kumar Gathania. CBI then requested for original documents of the case.

13. Letter dated 31.01.2018 of Ministry of Home Affairs was written to the State Government of U.P. requesting the return of original documents forwarded to them earlier. A similar letter dated 31.04.2018 was sent to MEA to provide all the original documents to CBI. But, no response has been received from the State Government of U.P. and MEA. Extension of time was sought from this Court, so that the matter could be taken up by MEA, CBI and the State Government of U.P. A meeting was held on 06.10.2023, under the chairmanship of Joint Secretary (Administration and Judicial), MHA with the State Government of U.P., MEA and CBI and it was decided that MEA will provide original case documents available to them, to enable CBI to conduct investigations. State Government of U.P. was also requested to return the original documents sent to them.

14. Accordingly, MEA provided the case documents on 16.10.2023, which have been handed over to CBI on 18.10.2023. Thereafter, CBI vide e-mail dated 27.11.2023 has sought original/certified copies of certain additional documents from the MEA which are required for processing the case of local prosecution sanction against Respondent No.5 Pradeep Kumar Gathania. CBI vide its various letters, requested MEA to provide original/certified copies of requisite documents from concerned authorities of UAE.

15. Further, meetings were held under the chairmanship of the Joint



Secretary (Judicial), MHA on 08.07.2024 & 17.09.2025 to review the local prosecution of Respondent No.5 Pradeep Kumar Gathania. The representative of CBI again requested for original/certified copies of requisite documents. MEA, vide various reminders, has also requested the UAE to provide original/certified copies of additional documents/evidence from the UAE authorities to initiate local prosecution against the accused. At the same time, the matter was also taken up with the authorities from UAE through Indian Embassy in Abu Dhabi, UAE. Though, no response was received from UAE despite repeated follow-ups and reminders.

16. Certified copies of 18 specific documents sought by CBI include many documents belonging to/in the possession of the Petitioner, as are detailed herein, which have been sought to be submitted to them by the Complainant.

17. Learned counsel for the Petitioner submits that he shall handover these documents to SP, NCB-I within 30 days from today with copy to MHA for information and record.

18. CBI is directed to expeditiously conduct the investigations for legal prosecution of Respondent No.5 Pradeep Kumar Gathania.

19. With these directions, Application is disposed of.

NEENA BANSAL KRISHNA, J.

JULY 3, 2025/R