

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5285 of 2026**

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MIHIR MANOJBHAI KALYANI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MS. MAITHILI MEHTA, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 08/05/2026

ORDER

Learned Advocate appearing for the petitioner submits that the impugned FIR has been lodged for the offences punishable under Sections 316(5), 318(4), 319(2), 238, 61(2) and 2(7) of the BNS, 2023 as well as Sections 66, 66C and 66D of the Information Technology (Amendment) Act, 2008. He submits that the alleged offence actually fall under the purview of the Securities Contract (Regulation) Act, 1956 and no offence of cheating is made out upon a bare perusal of the impugned FIR. Learned Advocate also relied on the order of this Court in Criminal Misc. Application No.4460 of 2021.

Having regard to these aspects, issue notice returnable on 27.08.2026. Learned APP waives service of notice on behalf of the respondent – State.

In the meanwhile, no coercive steps shall be taken against the petitioner till the next date of hearing.

(M. R. MENGDEY,J)

RAVI OZA