

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11110 of 2026**

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HARDIKKUMAR NAVINBHAI SHAH & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR DAX K SOLANKI(12696) for the Applicant(s) No. 1,2,3

MR. SAGAR V. SANGHAVI(19763) for the Applicant(s) No. 1,2,3

MR. VIKEN SHAH(14276) for the Applicant(s) No. 1,2,3

MR. TIRTHRAJ PANDYA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS

Date : 08/05/2026

ORAL ORDER

1. Heard Mr. Dax K. Solanki, learned advocate appearing for the applicants and learned APP Mr. Tirthraj Pandya appearing for the respondent No.1 – State. Perused the entire materials on record along with the impugned FIR.

2. It *prima facie* appears that on 12.05.2023, the Police had registered the impugned FIR for the offences punishable under Sections 3(C), 3(1)(C), 4 and 5 of the Gujarat (Bombay) Prevention of Gambling Act, 1887; under Sections 23(1)(E), (F), (G), (H), (I), 23(A)(F) of the Securities Contract (Regulation) Act, 1956 and under Sections 15(H)(A) of the Securities and Exchange Board of India Act, 1992. It *prima facie* appears that elements of offences punishable under Sections 3(C), 3(1)(C), 4 and 5 of the Gujarat (Bombay) Prevention of Gambling Act, 1887

are not attracted. It further appears that, in view of Section 26 of (i) the Securities Contract (Regulation) Act, 1956; and (ii) the Securities and Exchange Board of India Act, 1992, there exists a statutory bar against taking cognizance. Considering the same, it appears that the Court is precluded from taking cognizance under both the aforesaid offences except upon the written complaint filed by the authorized officer.

3. In view of the aforesaid, issue **Notice** to the respondents, making it returnable on **10.08.2026**.

4. Learned APP Mr. Tirthraj Pandya waives service of notice for and on behalf of respondent No.1 - State.

5. In the meantime, let there be an ad-interim relief in terms of paragraph 8-C qua the present applicants, till the next date of hearing.

(VIMAL K. VYAS, J)

AMAR SINGH