

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 9270 of 2026**

With
CRIMINAL MISC.APPLICATION (FOR STAY) NO. 1 of 2026
In R/SPECIAL CRIMINAL APPLICATION NO. 9270 of 2026

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RAVI NAIR

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. ABHIK CHIMNI, ADVOCATE with MR ARJUN M JOSHI(11247) for the Applicant(s) No. 1

MR. N.D.NANAVATY, SENIOR ADVOCATE MR. BHADRISH RAJU, ADVOCATE for MR. DHANESH R PATEL(8226) for the Respondent(s) No. 2
 MR. J.K.SHAH, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 11/08/2026

ORDER

1. By filing the present Petition under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner has prayed for the following relief:

“(A) That this Court may issue a writ of certiorari, or a writ in the nature of certiorari, or any other appropriate writ, order or direction, to quash and set aside the impugned FIR bearing C.R. No. 11191011260156 of 2026 dated 29.05.2026 registered by Ahmedabad City D.C.B. Police Station Part A and filed by Respondent No.2 (Copy at Annexure-A).

(B) Pending hearing and final disposal of this Petition, this Court may stay the investigation and all proceedings pursuant to the impugned FIR bearing C.R. No. 11191011260156 of 2026 dated 29.05.2026 registered by Ahmedabad City D.C.B. Police Station

Part A and filed by Respondent No.2, including the notice issued to the Petitioner under Section 35(3) BNSS dated 13.06.2026, and may further direct that no coercive action, including arrest, be taken against the Petitioner in connection with the impugned FIR (Copy at Annexure-A).

(C) For ad interim ex parte relief in terms of (B).

(D) For costs.

(E) For such other reliefs as may be deemed appropriate.”

2. The FIR No. 11191011260156 of 2026 came to be registered with the D.C.B. Police Station, Ahmedabad City on 29.05.2026 against the petitioner for the offence punishable under Sections 318(4), 336(2), 336(4), 340(2) of the Bharatiya Nyaya Sanhita, 2023.

2.1 Being aggrieved by the said FIR, the petitioner has approached this court by filing the present petition.

3. Heard learned Counsel Mr. Abhik Chimni for learned Advocate Mr. Arjun M. Joshi appearing on behalf of the petitioner, learned Senior Advocate Mr. N.D.Nanavaty appearing with learned Advocate Mr. Bhadrish S. Raju appearing for Respondent No.2 and learned APP Mr. J.K.Shah appearing on behalf of the Respondent – State.

4. Learned Counsel Mr. Abhik Chimni appearing for the petitioner has submitted that the FIR impugned in the petition is a sheer abuse of the process of law, as, prior to the registration of the FIR on 29.05.2026, the first informant has already lodged a private complaint on 22.04.2026 against the petitioner for the offence punishable under Sections 356(1), 356(2) and 356(3) of the BNS. Though the said complaint is still pending

before the learned court, with the same set of the facts, the impugned FIR has been lodged by the very same complainant. He submitted that the facts involved in the impugned FIR as well as in the private complaint are similar, and therefore, the impugned FIR, with the same set of facts, cannot be permitted after the first informant having already lodged a private complaint. He submitted that the first informant could have invoked the offences mentioned in the FIR in the private complaint lodged earlier against the petitioner. In the private complaint lodged by the first informant, since no inquiry or investigation was ordered by the learned Court, the first informant has lodged the present FIR, only with a view to harass the present petitioner. He submitted that the impugned FIR is mainly based on the statements given by the Life Insurance Corporation of India (for short "LIC") as regards the contents of the disputed article. Mere denial by the LIC of the reports published by the petitioner in the Washington Post, would not make the petitioner liable for the offence alleged against him in the FIR and also mere denial of the facts narrated in the Article by the LIC, would not make the documents, based upon which, the article was published by the petitioner in the Washington Post, forged, and therefore, the petitioner herein cannot be prosecuted for the offence in question. He submitted that the petitioner has not concealed any facts and material from this court as contended in the Affidavit-in-Reply filed by Respondent No.2 – Adani Ports and Special Economic Zone Limited. The petitioner had approached the Apex Court with a prayer to quash the proceedings of the private complaint. The petitioner had not approached the Apex Court challenging the FIR impugned in the present petition. Therefore, the allegations levelled against the petitioner in the Affidavit-in-Reply filed by Respondent No.2 are not true. He further submitted that the Apex Court in its judgment in case of Kapil Agarwal & Ors. v. Sanjay Sharma & Ors. - (2021) 5 SCC 524 has held that; merely because on the same set

of facts, with the same allegations and averments, earlier the complaint is filed, there is no bar to lodge the FIR with the police station with the same allegations and averments. However, at the same time, if it is found that the subsequent FIR is an abuse of process of law and / or the same has been lodged only to harass the accused, the same can be quashed in exercise of powers under Article 226 of the Constitution of India or in exercise of powers under Section 482 of the Code of Criminal Procedure.

4.1 It is submitted that the impugned FIR is nothing but an attempt on the part of the first informant to harass the petitioner and therefore the FIR impugned in the petition is liable to be quashed.

4.2 Learned Counsel Mr. Abhik Chimni has also sought to rely upon the another judgment of the Apex Court in case of State of Rajasthan v. Surendra Singh Rathore – 2025 LiveLaw (SC) 227. In paragraph 9 of the said judgment, the Apex Court has laid down the principles regarding the permissibility of the registration of a second FIR and the impugned FIR does not fall in any of the parameters laid down by the Apex Court. He therefore submitted to allow the present petition and quash and set aside the impugned FIR.

5. Learned APP Mr. J.K.Shah appearing for the Respondent – State has opposed the petition contending that the petitioner herein had published an article in the Washington Post on 24.10.2025 alleging that the LIC had made investments in the companies of the Adani Group upon the instructions issued by the Government of India. The LIC has subsequently categorically denied the reports published by the petitioner in the Washington Post and had reaffirmed that all the investments are made with integrity and due diligence. Learned APP has also drawn the attention of this court to the communication dated 24.12.2025 addressed

by the Government of India, Ministry of Finance, Department of Financial Services Insurance – II Section, to the Superintendent of Police, Gandhinagar indicating that the allegations levelled by the Washington Post as regards the investment decisions of LIC are influenced by external factors are false, baseless, and not based on facts. It is further informed that the investment decisions are taken by LIC independently as per the policies approved by the Board after due diligence. Thus, the article published by the petitioner on the Washington Post was based on concocted facts and forged material. The aspect of forgery of documents, requires to be investigated into. He further submitted that the investigating agency had issued a notice to the petitioner asking him to remain present on 21.07.2026. Accordingly, the petitioner did remain present on 21.07.2026. However, he did not cooperate with the investigation and left, by saying that, he wanted to go to Kerala. He therefore submitted to dismiss the present petition.

6. Learned Senior Advocate Mr. N.D.Nanavaty appearing for Respondent No.2 has also opposed the petition contending that prior to filing of the present petition before this court, the petitioner had approached the Apex Court with the very same prayer. However, the Apex Court did not entertain the petition and has relegated him to approach this court. The said fact has not been mentioned by the petitioner in the present petition. On the contrary, a statement is made on oath that he has not approached the Apex Court. Thus, not only a false statement is made on oath by the petitioner but a material fact has also been concealed by him, and this conduct, on the part of the petitioner, itself is sufficient to dismiss the present petition. He further submitted that the private complaint lodged by Respondent No.2 was pertaining to the offence for defamation. As per the settled law, Respondent No.2 could not have lodged the FIR for the offence of defamation, he had to

lodge a private complaint for the said offence. Lodging of a private complaint by Respondent No.2 would not preclude him from taking recourse to the other mode of lodging the FIR for the other cognizable offences emerging from the same facts. The subject matter of the private complaint as well as the impugned FIR, even though presumed to be the same, the allegations levelled against petitioner are altogether different, and therefore, merely because the Respondent No.2 has lodged a private complaint for an offence of defamation against the petitioner, he is not debarred from lodging an FIR for the other cognizable offences. He submitted that the Apex Court in its judgment in case of Kapil Agarwal & Ors. (supra) in paragraph 17 has categorically held that; merely because, on the same set of facts with the same allegations and averments earlier complaint is filed, there is no bar to lodge the FIR. Learned Senior Advocate Mr. Nanavaty therefore submitted to dismiss the present petition.

7. Heard learned Advocates for the respective parties and perused the record.

8. The FIR impugned in the present petition was lodged by Respondent No.2 – Adani Ports and Special Economic Zone Limited against the petitioner on 29.05.2026. It is averred in the FIR that; on 24.10.2025, an article was published in the newspaper, The Washington Post claiming that the Government of India and the LIC had directed investment of huge funds in the Adani Group of Companies, the said article was published by the present petitioner. It was further claimed by the petitioner on his twitter handle that, pursuant to the legal action initiated against the Adani Group by America, the Indian officials had decided to make huge investments of USD 3.9 Billion in the Adani Group. The said article was published by the petitioner, based upon the

documents purportedly issued by the LIC or the Department of Financial Services. The LIC took it to its social media account and declared that the documents mentioned in the said article have not been issued by the LIC nor any such documents have been received by it and the LIC has also not received any instructions from the Government regarding investment in any entity of the Adani group. The reports published by the petitioner have been categorically denied by the LIC, including the documents, based on which, the article was published. Similarly, the Government of India, Ministry of Finance, Department of Financial Services Insurance – II Section, has also addressed a communication dated 24.12.2025 to the Superintendent of Police, Gandhinagar, wherein it is categorically stated that the allegations levelled by the Washington Post that the investment decisions of LIC are influenced by external factors, are false, baseless, and not based on facts. No such document or plan as alleged in the article, has ever been prepared by the Department of Financial Services or LIC, for creating a roadmap for infusing funds by LIC into Adani Group of Companies. Thus, the department of Financial Services has also categorically denied the existence of any such documents on its record. Therefore, the existence of such documents is under the clouds and they prima facie appear to be forged one. It is for the investigating agency to find out the truth as regards those documents.

9. It is sought to be contended on behalf of the petitioner that registration of the impugned FIR is an abuse of process of law, since the first informant had already lodged a private complaint on the same set of facts. The perusal of the private complaint lodged by Respondent No.2 against the petitioner indicates that the said complaint is lodged only for the offence of defamation. It is a settled position of law that the aggrieved person is required to lodge a private complaint for an offence of defamation and the FIR cannot be lodged for the said offence, and

therefore, he had lodged the said private complaint. Though the facts mentioned in the private complaint as well as in the impugned FIR may be the same, the allegations levelled against the petitioner in the impugned FIR are altogether different and prima facie make out a cognizable offence against the petitioner. Merely because the Respondent No.2 has lodged a private complaint for an offence of defamation, he cannot be precluded from taking recourse to law for the alleged cognizable offence committed by the petitioner.

10. The Apex Court in its judgment in case of Kapil Agarwal (supra) has observed that, lodging of the FIR on the same set of facts with the same allegations and averments made in the earlier complaint, is not a bar. As held by the Apex Court, after the lodgment of the private complaint, lodging of the FIR with the same allegations is permissible.

10.1 In the present case, the allegations levelled against the petitioner in the private complaint as well as in the present FIR are not at all same. Therefore, the FIR impugned in the present petition, in no terms, can be said to be an abuse of process of law, as sought to be claimed by the petitioner.

11. Having regard to the aforesaid aspects, no case is made out for exercising discretion in favour of the petitioner. Hence the petition stands dismissed.

12. Criminal Misc. Application No. 1/2026 (for stay) stands disposed of accordingly.

(M. R. MENGDEY,J)