

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 15467 of 2025**

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LOKNATH LURINDARAM GAMBHIR & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. JAL SOLI UNWALLA, SENIOR ADVOCATE WITH MR.NANDISH H
THACKAR(7008) for the Applicant(s) No. 1,2,3MR. DEVANG VYAS, SENIOR ADVOCATE WITH MR. AADITYA D
BHATT(8580) for the Respondent(s) No. 3

CHANDNI S JOSHI(9490) for the Respondent(s) No. 3

MR. HARDIK DAVE PUBLIC PROSECUTOR WITH Mr. MANAN MAHETA
APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**Date : 09/02/2026****ORAL ORDER**

1. Heard learned Senior Advocate Mr. Jal Soli Unwalla assisted by learned advocate Mr. Nandish H. Thackar appearing for the applicants, learned Public Prosecutor Mr. Hardik Dave assisted by learned APP Mr. Manan Maheta appearing for the respondent No.1 & 2 - State and learned Senior Advocate Mr. Devnag Vyas assisted by learned advocate Mr. Aaditya D. Bhatt appearing for the respondent No.3.

2. Learned Senior Advocate Mr. Jal Soli Unwalla appearing for the applicants has tendered the affidavit of the applicant namely, Hardik Loknath Gambhir, dated 08.02.2026, and the affidavit of one Maruti Gangadhar Wakode, dated 08.02.2026

along with other documents. The same are ordered to be taken on record.

3. The Investigating Officer Mr. A.M. Hadiya, Police Inspector, EOW, Surat, who is present in the Court today, has admitted before this Court that he had given instructions to the Unarmed Police Head Constable, Surat, Mr. Umesh Madhukar Shinde, Buckle No.1141, to follow the applicants herein. Admittedly, the applicants are protected by a Coordinate Bench of this Court vide order dated 11.08.2025. Therefore, it *prima facie* appears that the Investigating Officer Mr. A.M. Hadiya, without the authority, had directed the Unarmed Police Head Constable to follow the movements of the applicants. Not only this, the Gaekwad Andheri Police, Mumbai was also informed regarding the movements of the applicants without there being any reason or any specific order by any authority in this regard. This *prima facie* appears to be improper and illegal.

4. Considering the same, this Court asked the Investigating Officer to produce a copy of the case diary from the original case papers. In response to which, the Investigating Officer Mr. Hadiya has submitted that though the investigation papers are there, the case diary is not available with him. This appears to be a serious lapse on the part of the Investigating Officer Mr. Hadiya.

5. The Investigating Officer Mr. A.M. Hadiya, is therefore, directed to place on record his explanation by filing an affidavit

by the next date of hearing, explaining the aforesaid.

4. List this matter on **20.02.2026**.

AMAR SINGH

(VIMAL K. VYAS, J)