

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12859
of 2025

=====

NAIRISH HARENDRABHAI ZAVERI & ORS.

Versus

STATE OF GUJARAT & ANR.

=====

Appearance:

PRASHANT V CHAVDA(8510) for the Applicant(s) No. 1,2,3,4

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 22/09/2025

ORAL ORDER

Present petition is filed under Article 226 of the Constitution of India read with Section 528 of the BNSS.

Learned APP has pointed out that charge-sheet is already filed and cognizance is taken. Hence, once cognizance is taken by the learned trial Court, the orders of trial Court are not amenable to writ jurisdiction under Article 226 of the Constitution of India in view of decision of the Hon'ble Supreme Court in the case of **Radhe Shyam vs. Chhabi Nath** reported in **(2015) 5 SCC 423**. Even, this Court does not have roster under Section 482 of the CrPC / section 528 of the BNSS and hence, in view of decision in the case of **Pradnya Pranjal Kulkarni vs. State of Maharashtra & Anr.** rendered in Petition for Special Leave to Appeal (Cri.) No.13424/2025, as cognizance is already taken by the learned trial Court, present petition stands disposed of with liberty to file appropriate proceeding before appropriate Court under Section 528 of the BNSS.

Liberty is reserved in favor of the petitioners to replace the certified copy of annexures by producing simple copy thereof. This Court has not examined the merits of the case.

(HASMUKH D. SUTHAR,J)

ANKIT

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 22/09/2025 15:17:07