

ITEM NO.59

COURT NO.12

SECTION II-B

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Crl.)Nos.13407-13408/2024

[Arising out of impugned final judgment and orders dated 12-07-2024 in R/SCRA (Quashing) No. 8452/2024 & R/SCRA No. 8453/2024 passed by the High Court of Gujarat at Ahmedabad]

MANUBHAI KALYANJI NAYAK

Petitioner(s)

VERSUS

THE STATE OF GUJARAT &amp; ORS.

Respondent(s)

(IA No. 222652/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 222653/2024 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 13493-13494/2024 (II-B)

(IA No. 264510/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 224387/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 278214/2024 - EXEMPTION FROM FILING O.T., IA No. 264513/2024 - EXEMPTION FROM FILING O.T., IA No. 264511/2024 - EXEMPTION FROM FILING O.T., IA No. 243281/2024 - EXEMPTION FROM FILING O.T., IA No. 224388/2024 - EXEMPTION FROM FILING O.T., IA No. 243280/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 264512/2024 - STAY APPLICATION, IA No. 283264/2024 - STAY APPLICATION)

Date : 30-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.  
Mr. Siddharth Dave, Sr. Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Mahesh Agarwal, Adv.  
Ms. S. Lakshmi Iyer, Adv.  
Ms. Deepsikha Mishra, Adv.  
Mr. Devansh Srivastava, Adv.  
Mr. Uday Aditya Jetley Pocha, Adv.  
Mr. E. C. Agrawala, AOR  
Mr. Amit Thakkar, Adv.

For Respondent(s) Ms. Swati Ghildiyal, AOR  
Ms. Deepanwita Priyanka, Adv.  
Ms. Devyani Bhatt, Adv.  
Ms. Neha Singh, Adv.

Dr. A.M. Singhvi, Sr. Adv.(NP)  
Mr. V.Giri, Sr. Adv.  
Mr. Mohit D. Ram, AOR  
Mr. Siddharth Ravi Kheskani, Adv.  
Ms. Nayan Gupta, Adv.  
Mr. Anubhav Sharma, Adv.  
Mr. Nihar Dharmadhikari, Adv.

Sameer Kumar, AOR

Ms. Deepanwita Priyanka, AOR

UPON hearing the counsel the Court made the following  
O R D E R

SLP(Crl) No. 13493-13494/2024

Heard learned senior counsel/counsel for the parties.

The petitioner before this Court is a complainant who is aggrieved by an order by which certain relief has been granted to the respondent nos.2-4 by an interim order passed by the High Court on 31.07.2024 which has been impugned before this Court. The impugned order is passed on an application moved by the respondents against the summoning order which was issued by the Investigating Officer. The application filed by the respondents is apprehending their arrest or apprehending at least precautionary, or coercive measure being taken against them. The High Court consequently passed the following order: -

"Heard learned Senior Counsel Mr.B B Nayak with learned advocate Mr.Ekant G Ahuja and learned advocate Mr.Keshkani for the petitioners and learned APP Ms.Maithili Mehta with learned APP Ms.Jyoti Bhatt for respondent – State. Learned Senior Counsel Mr. Nayak upon instructions submitted that the petitioners are ready and willing to co-operate in the inquiry provided they are provided with the copy of the application, upon which the investigation is being carried out.

Both learned APPs upon instructions state that if representative of the petitioners approaches the office of respondent No. 2 with an authority letter by the petitioners, the copy of the application shall be provided to him and also a summons indicating the date and time on which the officer of the respondent No. 2 or respondent No.2 himself may visit the petitioners at Surat to take statement of the petitioners and to collect relevant material. However, it is agreed upon by and between the parties that on 12.08.2024, the authorised person of respondent No.2 or respondent No.2 himself shall come to Surat to record the statement and to collect the necessary documents, which are relevant as per respondent No.2 and therefore, the issuance of summons will be a formality that is required to be completed.

Upon instructions, it is also assured by learned APPs that subject to co-operation by the petitioners, till next date of hearing there shall not be any coercive steps against them.

Stand over to 21.08.2024.

Direct service is permitted."

**This order has been stayed by this Court on 30.09.2024. We have heard today Mr.Ranjit Kumar, learned senior counsel for the petitioner-complainant, Mr. V.Giri, learned senior counsel for the respondent nos.2-4 and Ms. Deepanwita Priyanka, learned counsel for the State. Having heard the counsel representing both the sides, we are of the considered view that no useful purpose would be served to keep pending these matters as the High Court has already taken cognizance of the matters. We request the High Court to dispose of the matters as expeditiously as possible.**

**Meanwhile, the respondent nos.2-4 shall cooperate with the**

ongoing investigations. Much delay has already been caused in this case as the complaint itself is as far as back in the year of 2004. We have also been informed at the Bar by the learned senior counsel for respondent nos.2-4 that pursuant to investigation into the complaint, there has been at least 10 closure reports. The learned senior counsel for the petitioner-complainant would dispute the manner in which such closure reports have been passed.

Be that as it may the fact remains as these are very old matters it shall be expeditiously decided. In case the respondent nos.2-4 does not cooperate with the ongoing investigations, appropriate orders can be sought before the High Court including to proceed with any coercive measures without further reference to this Court.

The present petitions are disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.

SLP(Crl.) Nos. 13407-13408/2024

Since we have already disposed of SLP(Crl.)Nos.13493-13494/2024, we need not pass any separate order in the present cases, as the order which was challenged in these cases, was interim and a final order has been passed by the High Court giving almost the same relief to the respondent no.2 as has been given in SLP(Crl.)Nos.13493-13494/2024 to respondent nos.2-4.

We make it clear that the relief granted to the respondent nos. 2-4 in SLP(Crl.)Nos.13493-13494/2024 shall apply herein also but it shall also be subject to the reservation and observations insofar as cooperation of the respondents in the ongoing

investigations as has been made in the said special leave petitions.

The present petitions are disposed of in the above terms.

Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)  
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)  
ASSISTANT REGISTRAR