

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No..... OF 2026
(Arising out of SLP(Crl.)11532 of 2026)

TOFIK SHAIKH

... APPELLANT

Versus

STATE OF GUJARAT & ORS.

... RESPONDENTS

O R D E R

1. Leave granted.
2. Heard Mr. I.H. Syed, learned Senior Counsel appearing on behalf of the appellant as well as Mr. S.V. Raju, learned Additional Solicitor General appearing on behalf of the respondent – State of Gujarat and carefully perused the material placed on record.
3. To ensure that no prejudice is caused to the parties, we are consciously not mentioning any alleged defects in the case. However, we are satisfied that a *prima facie* case for registration of an FIR under Sections 103 and 108 of the Bharatiya Nyaya Sanhita, 2023, without naming any suspects at this stage, is made out. Consequently, the said FIR shall be investigated by an Special Investigation Team (SIT), comprising of a Police Officer of the

rank of Deputy Commissioner of Police along with two more officers, to be nominated by the Director General of Police, Gujarat. The members of the SIT must be those who are not posted in the district where the alleged occurrence took place. The SIT is directed to file the final report after investigation before the jurisdictional Magistrate as early as possible, and preferably within two months. In case the appellant is still dissatisfied, he shall be at liberty to submit a Protest Petition before the Jurisdictional Magistrate and seek further investigation, etc.

4. As regards the alleged threat perception, the Commissioner of Police may enquire into and take appropriate action in accordance with law.

5. The appeal stands disposed of accordingly.

6. As a result, the pending interlocutory applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
JULY 23, 2026.

ITEM NO.12

COURT NO.1

SECTION II-E

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.) No(s). 11532/2026

[Arising out of impugned final judgment and order dated 29-05-2026 in SCRLA No. 7352/2026 passed by the High Court of Gujarat at Ahmedabad]

TOFIK SHAIKH

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

IA No. 181778/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 181776/2026 - EXEMPTION FROM FILING O.T.

Date : 23-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE JOYMALYA BAGCHI
 HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s)

Mr. I. H. Syed, Sr. Adv.
 Mr. Varinder Kumar Sharma, AOR
 Mr. Amaan Syed, Adv.
 Mr. Shantanu Sharma, Adv.
 Ms. Deeksha Gaur, Adv.

For Respondent(s)

Mr. S V Raju, Sr. Adv.
 Ms. Swati Ghildiyal, AOR
 Ms. Neha Singh, Adv.
 Mr. Hitarth Raja, Adv.

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

Leave granted.

The appeal stands disposed of in terms of the signed order.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI DILEEP KUMAR)
DEPUTY REGISTRAR

(Signed order is placed on the file)