



2026:AHC:199621-DB

A.F.R.

Reserved on: 13.07.2026

Delivered on: 23.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 10787 of 2026

Bharat Verma

.....Petitioner(s)

Versus

State of U.P. and 14 others

.....Respondent(s)

Counsel for Petitioner(s) : Anurag Tripathi

Counsel for Respondent(s) : G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

Per: Hon'ble Chandra Dhari Singh, J.

1. The instant writ petition has been filed seeking following main reliefs:-

"A. Issue a writ of Mandamus directing the Respondents that All the subsequent FIRs Registered relating to non-payment of Depositors' Maturity Amounts be clubbed /Consolidated/Merged and proceeded with the FIRST F.I.R. Case Crime No. 612 of 2024, under sections 111, 318, 61(2),

352 and 351 (3) of B.N.S. Police Station-Kotwali Lalitpur, District-Lalitpur by treating the said FIR as the Principal FIR to the extent that relates to petitioner;

B. Issue an appropriate writ, order or direction in the nature of mandamus commanding, the respondents that no further FIR containing similar allegations be registered against the petitioner in the State of Uttar Pradesh and all subsequent information/complaints containing similar allegations and/or arising from common cause of action, relating to non-payment of maturity proceeds be treated as statements under section 161 CrPC/180 BNSS in Principal F.I.R. Case Crime No. 612 of 2024, under sections 111, 318, 61(2), 352 and 351 (3) of B.N.S. Police Station-Kotwali Lalitpur, District-Lalitpur and accordingly be proceeded with to the extent that relates to petitioner;

C. Issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents that in the cases where investigation officer had, if already, filed police report/Chalan under section. 173 CrPC/193 B.N.S.S, 2023 before the concerned Court and consequently if the concerned court has taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed along with the principal FIR referred herein above and be tried by the Court having jurisdiction to try the case concerning the principal FIR, as per the procedure established by Law to the extent that relates to petitioner;

D. Issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents that since Petitioner has been granted bail in connection with the Principal FIR, the bail so granted must enure in favour of Petitioner (be applicable in all Subsequent F.I.Rs.;

E. Issue an appropriate writ, order or direction in the nature of mandamus commanding the respondents not to arrest the Petitioner in F.I.R'S in the District Lalitpur which relates to similar set of facts and allegations pertaining to the High deposits made in the society LUCC (Loni Urban Multi-State Credit & Thrift Co-operative Society) that have been lodged against the petitioner or any other F.I.R. that come to the knowledge of this Hon'ble court or the petitioner during the pendency of the present writ petition as well as future F.I.R's;

F. Issue any other writ, order or direction in favor of the Petitioner, which this Hon'ble Court deems fit and proper in the facts and circumstances of the present case."

Factual Matrix

2. The prosecution case, in brief, is that the complainant, namely, Yashwant Singh has lodged an F.I.R. on 18.07.2024 against Jagat Singh @ Tansu, Mukesh Kumar Jain and Neeraj Jain @ Banti Jain for the offence under Sections 111, 318, 61(2), 352 and 351(3) of Bharatiya Nyaya Sanhita, 2023 alleging inter-alia that he had filed a written complaint addressed to the

Superintendent of Police, District Lalitpur, stating, *inter-alia*, that they are residents of Village Satlinga, Police Station Mahrauni, District Lalitpur. Their agricultural land had been acquired for the Bharat Dam Project, for which they had received compensation. It was further stated that Jagat Singh alias Tansu, Mukesh Kumar Jain and Neeraj Jain alias Buntty Jain approached them and represented themselves to be agents of LUCC Company. They assured them that if they opened an account/ID with the said company and deposit money therein, the amount so deposited would be doubled after a period of five years. Believing the representations made by the aforesaid persons, the informant and others deposited the following amounts with the company through its agents on 26.03.2019:

- (i) ID No. 7605427 — ₹1,00,000/- deposited by Smt. Harkunwar, wife of Roop Singh;
- (ii) ID No. 7662311 — ₹50,000/- deposited by Sukhsingh, son of Harlal;
- (iii) ID No. 7662331 — ₹25,000/- deposited by Yashwant Singh, son of Kailash Singh; and
- (iv) ID No. 7662321 — ₹25,000/- deposited by Jagat Singh, son of Kailash Singh.

3. The aforesaid agents, namely, Jagat Singh alias Tansu, Mukesh Kumar Jain, and Neeraj Jain alias Buntty Jain, reiterated that upon completion of five years, the amount deposited by the informants would be returned to them in double. The maturity period of the aforesaid IDs expired on 26.03.2024. Thereafter, when the informant and others demanded repayment of the amounts deposited by them with the said company, the aforesaid agents continued to evade the matter and assured them that the entire amount would be returned after some time. However, despite repeated demands, they continued to put off them on one pretext or another. On 15.07.2024 at about 10:00 a.m., the informant went to the residence of Jagat Singh alias Tansu. Mukesh Jain and Neeraj Jain were also present. When he demanded repayment of the amount deposited by him with the company, the aforesaid persons abused him and threatened him with dire consequences. In the impugned F.I.R., it is further alleged that the accused persons have committed fraud and by preparing forged and fabricated documents have also misappropriated their money, and threatened that if any legal action was initiated against them, they would kill him. Accordingly, he made a request to the Superintendent of Police, District Lalitpur, to direct registration of the case and to take appropriate legal action against the accused persons. They further prayed that the money allegedly

misappropriated be recovered from the said company and its agents and be refunded to them.

4. After registration of aforesaid principal F.I.R., several other F.I.R.s containing the same allegations, arising out of same grievance, facts, and cause of action, have also been lodged. The comparative chart of the F.I.R. is placed below for ready reference:-

Sl. No.	F.I.R. Number	F.I.R. Date	Police Station/ District	Offences	Accused Persons
1.	612 of 2024	18.07.2024	Kotwali Lalitpur/ Lalitpur	Under Section- 111, 318, 61(2), 352, 351(3) of BNS, 2023	1. Jagat Singh Alias Tansu 2. Mukesh Kumar Jain 3. Neeraj Jain alias Bantee Jain
2.	647 of 2024	26.07.2024	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 336(3), 318, 340(2), 352, 351(2) of B.N.S., 2023	1. Maan Singh 2. Ashok Kumar Ahirwar 3. Ravi Tiwari 4. Alok Jain 5. Hardev Patel
3.	1086 of 2024	04.08.2024	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 318, 338, 336(3), 340(2), 61(2), 352, 351 (3) of B.N.S., 2023	1.Sateesh Chandra Jain Devran Wale 2. Aalok Jain 3. Ravi Tiwari 4. urendr a Kumar

					Singh 5. Shaili Bajaj 6.CMD of LUCC Sameer Agrawal 7. Fund Managner R.K. Shetti 8. Member of Core Committee Vinod Tiwari 9. Rahul Tiwari 10. Shabab Rizvi 11. Hardev Patel 12. Mahesh Prasad Rajak
4.	686 of 2024	06.08.2024	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 336(3), 340(2), 61(2), 318 of B.N.S., 2023	Ravi Tiwari and 4 others
5.	687 of 2024	06.08.2024	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 336(3), 340(2), 61(2), 318 of B.N.S., 2023	1. Aalok Jain 2. Ravi Tiwari 3. Vinod Tiwari 4. Rahul Tiwari 5. Ram Naresh Sahu 6. Samir Agarwal
6.	688 of 2024	06.08.2024	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 336(3), 340(2), 61(2), 318 of B.N.S., 2023	1. Ashok Jain 2. Ravi Tiwari 3. Vinod Tiwari 4. Rahul Tiwari 5. Ram Naresh

					Sahu 6. Ashok Kumar Ahirwar 7. Hardev patel 8. Surendra Pal Singh
7.	204 of 2024	06.08.2024	Jakhaura/ Lalitpur	under Sections- 111, 61(2), 318(4), 338, 316(2), 336(3), 340(2), 351(2) of B.N.S., 2023	Vinod Shrivastava
8.	236 of 2024	06.08.2024	Mahrauni/ Lalitpur	under Sections- 111, 61(2), 318(4), 316(2), 336(3), 340(2), 351(2) of B.N.S., 2023	1. Vivek Chaturvedi 2. Jagat Singh alias Tansu 3. Mukesh Kumar Jain 4. Neeraj Jain alias Bantee 5. Alok Jain
9.	261 of 2024	06.08.2024	Talbehat	under Sections – 111, 61(2), 318(4), 336(3), 340(2), 351(2) of B.N.S., 2023	1. Manvendra Dwivedi & 25 others
10.	231 of 2024	19.10.2024	Jakhlaun	Under Sections- 34, 420, 406, 467, 468, 471 I.P.C.	1. Smt. Ladkuwar 2. Manmohan 3. Asharam 4. Alok Kumar Jain 5. Ravi Tiwari 6. One unknown

11.	301 of 2024	07.11.2024	Jakaura	under Sections- 111, 318(4), 336(3), 340(2), 351(2) of BNS, 2023	Ashok Singh
12.	190 of 2024	11.11.2024	Narahat/ Lalitpur	under Sections- 318(4), 338, 336(3), 340(2), 352, 351(3) of B.N.S., 2023	Smt. Guddi
13.	270 of 2025	10.03.2025	Kotwali Lalitpur/ Lalitpur	under Sections- 111, 61(2), 318(4), 336(3), 340(2), 351(3), 352 of B.N.S., 2023	Sateesh Chandra Jain & 25 others
14.	006 of 2026	06.01.2026	Talbehat	under Sections- 111, 61(2), 318, 336(3), 340(2), 351(3), 352 of B.N.S., 2023	Deepak & 8-10 others

5. Hence, the instant writ petition has been filed along with the prayer as stated in aforesaid paragraphs.

Submissions of Petitioner

6. Learned counsel appearing on behalf of the petitioner submits that the allegations made in the FIRs are *mala fide*, vexatious and made with ulterior motive, just to harass the petitioner. He submits that perusal of all the above-said FIRs lodged against the petitioners, it can be seen that the allegations are exactly the same, though the FIRs have been filed by the different complainants/informants. He submits that the above-said fact clearly shows that all the FIRs have been filed

with premeditated mind by the complainants in different police stations only to harass the petitioner. He further submits that the filing of multiple FIRs alleging the same allegations and offence in different police stations or districts is a gross abuse of the process of law and the same has been done only to harass the petitioner with ulterior motive.

7. The case of all the informants is that they have invested the money in the Company/Society i.e. LUCC and the money has been invested on the request/inducement of the ordinary member of the Society. It is submitted that all the persons who are making the complainants, were also the members of the Society either they were ordinary members or they were nominal/associate members. It is submitted that all the complainants have deposited their money due to their own free will and without any pressure or endorsement.

8. Learned counsel for the petitioner vehemently submitted that the petitioner has no say working of the Society nor he was in the capacity to manage the affairs of the Society. The affairs of the Society were being managed by the duly elected Committee which constitutes of Chairman, Vice-Chairman and Directors. The petitioner is only an ordinary member and therefore, he could not be held vicariously liable for the act of management/promoters of the Society. The petitioner is at par with the complainant and he has been implicated in the present case only for the reasons that some of the complainants have invested their money with the Society after getting in touch with the petitioner.

9. Though, learned counsel for the petitioner submitted that under the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 of the Cr.P.C. (Corresponding Sections 173, 174, 175, 176, 181, 189, 190 and 193 B.N.S.S.), only the earlier or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 Cr.P.C. Therefore, there cannot be a second F.I.R. and consequently, there cannot be any fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or the same incidents giving rise to one or more cognizable offences.

10. Learned counsel for the petitioner submits that it is trite law that the right of the police to investigate into a cognizable offence is a statutory right over which the Court does not possess any supervisory jurisdiction under the Cr.P.C./B.N.S.S. The plenary power of the police to investigate a cognizable offence is, however, not unlimited and the same is subject to well-recognized limitations. He submits that where the police transgresses its statutory power of investigation, the High Court, under Section 482 Cr.P.C. or Article 226/227 of the Constitution of India, can interdict the investigation to prevent abuse of the process of any court or otherwise to secure the ends of justice.

11. It is submitted that subjecting an individual to numerous proceedings arising in different police stations in different districts on the basis of the same cause of action cannot be legally permissible. A fresh investigation or a second FIR on the basis of the same or

connected cognizable offence would constitute an abuse of the statutory power of investigation and a gross misuse of the State machinery.

12. Learned counsel for the petitioner submits that all the subsequent FIRs registered relating to non-payment of deposits maturity amounts be clubbed/consolidated, merged and proceeded with first FIR bearing Case Crime No.612 of 2024, under Sections 111, 318, 61(2), 352 and 351(3) of B.N.S., Police Station – Kotwali Lalitpur, District Lalitpur by treating the said FIR as the Principal FIR to the extent that relates to the petitioner.

13. In support of his submissions, learned counsel has preferred the following cases:-

- (I) T.T. Antony v. State of Kerala & others¹**
- (II) Babubhai v. State of Gujarat & others²**
- (III) Anju Chaudhary v. State of Uttar Pradesh & another³**
- (IV) Amit Katyal & another v. State of Haryana & another⁴**
- (V) Pranab Jyoti Barman v. Union of India & others⁵**

14. Learned counsel for the petitioner submitted that in view of aforesaid arguments and submissions, the instant writ petition may be allowed.

1 (2001) 6 SCC 181
2 (2010) 12 SCC 254
3 (2013) 6 SCC 384
4 2026 SCC OnLine SC 890
5 (2021) 4 GLR 43

Submissions of Respondents

15. *Per contra*, learned A.G.A. for the State vehemently opposed the instant writ petition and submitted that the prayer made in the writ petition cannot be allowed due to the sole fact that all the FIRs have been lodged by the different complainants, residing in different places arising out of different cause of actions. He submits that though the allegations are of similar nature, the parties are different and the investigation are yet to be properly started in the aforesaid FIRs. Learned A.G.A. for the State vehemently submitted that the Supreme Court in several cases under Article 32 and Article 142 of the Constitution of India allowed the clubbing of multiple FIRs, however, in the instant case, the same cannot be done due to the distinguishing factors in the above-said FIRs. He submits that in each case, the facts and circumstances are different and taking account of this fact a straight jacket formula for clubbing all multiple FIRs cannot be adopted. He submits that where occurrence occurred at different times involving different persons, with no commonality of purpose and thereafter, emerged from different circumstances, they cannot be termed as forming part of the same transaction or offence. Therefore, different FIRs cannot be clubbed together. He further submits that clubbing all the FIRs will cause a lot of difficulties to the complainants, as they reside in different places and would have to travel to the place where the first information report has been lodged to participate in the trial, if it proceeds. It is submitted that it is settled law that the

accused persons cannot be given the right to choose the place of his trial.

16. In support of his submissions, learned A.G.A. has referred the following cases:-

(I) **Pramod Kumar Saxena v. Union of India & others**⁶

(II) **Anju Chaudhary v. State of Uttar Pradesh & another**⁷

17. Learned A.G.A. for the State submitted and prayed that in view of the above-said facts and submissions the instant writ petition is devoid of merit and is to be dismissed.

Analysis and Conclusion

18. Heard learned counsel for the petitioner, learned A.G.A. for the State at length and perused the material on records.

19. On perusal of the contents of the F.I.R. and comparing the same with the subsequent FIRs, it can be seen that the allegations in the FIRs are exactly the same. Therefore, it is apparent that the allegations made in the above-said FIRs are the same in nature and the accused persons named in the FIR were working on the behest of the same company or same person. The issues regarding filing of the first FIR and subsequent filing of the second FIR has been dealt with by the Supreme Court in the case of ***T.T. Antony (supra)***, wherein the Supreme Court discussed in

⁶ (2008) 9 SCC 685

⁷ (2013) 6 SCC 384

details about the procedure of filing of first FIR and its consequences. In this regard, the following observations of the Supreme Court are extracted here-in-below:-

“18. An information given under sub-section (1) of Section 154 CrPC is commonly known as First Information Report (FIR) though this term is not used in the Code. It is a very important document. And as its nickname suggests, it is the earliest and the first information of a cognizable offence recorded by an officer in charge of a police station. It sets the criminal law in motion and marks the commencement of the investigation which ends up with the formation of opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. It is quite possible and it happens not infrequently that more information than one are given to a police officer in charge of a police station in respect of the same incident involving one or more than one cognizable offences. In such a case he need not enter every one of them in the station house diary and this is implied in Section 154 CrPC. Apart from a vague information by a phone call or a cryptic telegram, the information first entered in the station house diary, kept for this purpose, by a police officer in charge of a police station is the First Information Report -- FIR postulated by Section 154 CrPC. All other informations made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the First Information Report and entered in the station house diary by the police officer or such other cognizable offences as may come to his notice during the investigation, will be statements falling under Section 162 CrPC. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and same cannot be in conformity with the scheme of CrPC. Take a case where an FIR mentions cognizable offence under Section 307 or 326 IPC and the investigating agency learns during the investigation or receives fresh information that the victim died; no fresh FIR under Section 302 IPC need be registered which will be irregular; in such a case

alteration of provision of law in the first FIR is the proper course to adopt. Let us consider a different situation in which H, having killed W, his wife, informs the police that she is killed by unknown person or knowing that W is killed by his mother or sister, H owns up the responsibility and during the investigation the truth is detected; it does not require filing of fresh FIR against H-- the real offender -- who can be arraigned in the report under Section 173(2) or 173(8) Cr.P.C., as the case may be. It is of course permissible for the investigating officer to send up a report to the Magistrate concerned even earlier that investigation is being directed against the person suspected to be the accused.

19. The scheme of CrPC is that an officer in charge of a police station has to commence investigation as provided in Section 156 or 157 CrPC on the basis of entry of the first information report, on coming to know of the commission of a cognizable offence. On completion of investigation and on the basis of the evidence collected, he has to form an opinion under Section 169 or 170 CrPC, as the case may be, and forward his report to the Magistrate concerned under Section 173(2) CrPC. However, even after filing such a report, if he comes into possession of further information or material, he need not register a fresh FIR; he is empowered to make further investigation, normally with the leave of the court, and where during further investigation he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports; this is the import of sub-section (8) of Section 173 CrPC.

20. From the above discussion it follows that under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 CrPC only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 CrPC. Thus there can be no second FIR and consequently there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences. On receipt of information about a cognizable offence or an incident giving rise to a cognizable

offence or offences and on entering the FIR in the station house diary, the officer in charge of a police station has to investigate not merely the cognizable offence reported in the FIR but also other connected offences found to have been committed in the course of the same transaction or the same occurrence and file one or more reports as provided in Section 173 CrPC."

20. In the above-said case of ***T.T. Antony (supra)***, the Supreme Court has also discussed the right of police to investigate into cognizable offence, which is statutory right over which the Court does not possess any supervisory jurisdiction under the Cr.P.C. However, it is mentioned that the plenary power of the police to investigate a cognizable offence is not unlimited and the same is subjected to certain well-recognized limitations. It is also mentioned that where the police transgresses its statutory power of investigation, the High Court under Article 226/227 of the Constitution of India or Section 482 Cr.P.C. (528 B.N.S.S.) in an appropriate case, can interdict the investigation to prevent the abuse of process of any Court or otherwise to secure the ends of justice. The Supreme Court in the above-said case, in respect of the successive FIRs has observed as follows:-

"27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However,

the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the W.P.(Crl.)/43/2022 Page 17 of 25 police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under Section 173(2) CrPC. It would clearly be beyond the purview of Sections 154 and 156 CrPC, nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of fresh investigation based on the second or successive FIRs, not being a counter-case, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction and in respect of which pursuant to the first FIR either investigation is under way or final report under Section 173(2) has been forwarded to the Magistrate, may be a fit case for exercise of power under Section 482 CrPC or under Articles 226/227 of the Constitution.”

21. From the above observations of the Supreme Court, it is discernible that on the same facts and same allegations, two FIRs cannot coexist. In that event, coexisting being clearly beyond the purview of Sections 154 and 156 of CrPC. It is also discernible from the aforesaid observation that fresh investigation based upon the second or successive FIRs, not being a counter case filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction, then the subsequent FIR may be an abuse of power and in that event, the same shall be a fit case for exercise of power under Articles 226/227 of the Constitution.

22. Following the same principles of law, the Supreme Court in the case of ***Babubhai (supra)*** has observed as follows:-

"20. Thus, in view of the above, the law on the subject emerges to the effect that an FIR under Section 154 CrPC is a very important document. It is the first information of a cognizable offence recorded by the officer in charge of the police station. It sets the W.P. (Crl.)/43/2022 Page 18 of 25 machinery of criminal law in motion and marks the commencement of the investigation which ends with the formation of an opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. Thus, it is quite possible that more than one piece of information be given to the police officer in charge of the police station in respect of the same incident involving one or more than one cognizable offences. In such a case he need not enter each piece of information in the diary. All other information given orally or in writing after the commencement of the investigation into the facts mentioned in the first information report will be statements falling under Section 162 CrPC."

21. In such a case, the court has to examine the facts and circumstances giving rise to both the FIRs and the test of sameness is to be applied to find out whether both the FIRs relate to the same incident in respect of the same occurrence or are in regard to incidents which are two or more parts of the same transaction. If the answer is in affirmative, the second FIR is liable to be quashed. However, in case the contrary is proved, where the version in the second FIR is different and they are in respect of two different incidents/ crimes, the second FIR is permissible. In case in respect of the same incident the accused in the first FIR comes forward with a different version or counter claim, investigation on both the FIRs has to be conducted."

23. In the case of **Anju Chaudhary (supra)**, the Supreme Court reiterated that there cannot ordinarily be more than one FIR in respect of the same incident, as the registration of second FIR for

the same offence would offend the principles of fair investigation and may result in abuse of the investigation process. At the same time, it was clarified that where the subsequent incident is distinct or falls outside the ambit of the earlier FIR, registration of a second FIR would not be barred. The relevant observations are reproduced below:-

"14. On the plain construction of the language and scheme of Sections 154, 156 and 190 of the Code, it cannot be construed or suggested that there can be more than one FIR about an occurrence. However, the opening words of Section 154 suggest that every information relating to commission of a cognizable offence shall be reduced into writing by the officer-in-charge of a police station. This implies that there has to be the first information report about an incident which constitutes a cognizable offence. The purpose of registering an FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report in terms of Section 173(2) of the Code. It will, thus, be appropriate to follow the settled principle that there cannot be two FIRs registered for the same offence. However, where the incident is separate; offences are similar or different, or even where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the FIR recorded first, then a second FIR could be registered. The most important aspect is to examine the inbuilt safeguards provided by the legislature in the very language of Section 154 of the Code. These safeguards can be safely deduced from the principle akin to double jeopardy, rule of fair investigation and further to prevent abuse of power by the investigating authority of the police. Therefore, second FIR for the same incident cannot be registered. Of course, the investigating agency has no determinative right. It is only a right to investigate in accordance with the provisions of the Code. The filing of report upon completion of investigation, either for cancellation or alleging commission of an offence, is a matter which once filed before the court of competent jurisdiction attains a kind of finality as far as police is

concerned, may be in a given case, subject to the right of further investigation but wherever the investigation has been completed and a person is found to be prima facie guilty of committing an offence or otherwise, re-examination by the investigating agency on its own should not be permitted merely by registering another FIR with regard to the same offence. If such protection is not given to a suspect, then possibility of abuse of investigating powers by the police cannot be ruled out. It is with this intention in mind that such interpretation should be given to Section 154 of the Code, as it would not only further the object of law but even that of just and fair investigation. More so, in the backdrop of the settled canons of criminal jurisprudence, reinvestigation or de novo investigation is beyond the competence of not only the investigating agency but even that of the learned Magistrate. The courts have taken this view primarily for the reason that it would be opposed to the scheme of the Code and more particularly Section 167(2) of the Code. (Ref. Reeta Nag v. State of W.B. [(2009) 9 SCC 129 : (2009) 3 SCC (Cri) 1051] and Vinay Tyagi v. Irshad Ali [(2013) 5 SCC 762] of the same date.)

X X X

25. The first information report is a very important document, besides that it sets the machinery of criminal law in motion. It is a very material document on which the entire case of the prosecution is built. Upon registration of FIR, beginning of investigation in a case, collection of evidence during investigation and formation of the final opinion is the sequence which results in filing of a report under Section 173 of the Code. The possibility that more than one piece of information is given to the police officer in charge of a police station, in respect of the same incident involving one or more than one cognizable offences, cannot be ruled out. Other materials and information given to or received otherwise by the investigating officer would be statements covered under Section 162 of the Code. The court in order to examine the impact of one or more FIRs has to rationalise the facts and circumstances of each case and then apply the test of sameness to find out whether both FIRs relate to the same incident and to the same occurrence, are in regard to incidents which are two or more parts of the same

transaction or relate completely to two distinct occurrences. If the answer falls in the first category, the second FIR may be liable to be quashed. However, in case the contrary is proved, whether the version of the second FIR is different and they are in respect of two different incidents/crimes, the second FIR is permissible, This is the view expressed by this Court in the case of Babubhai v. State of Gujarat. This judgment clearly spells out the distinction between two FIRs relating to the same incident and two FIRs relating to different incident or occurrences of the same incident etc.”

24. A conjoint reading of the aforesaid decisions leaves little room for doubt that there is no absolute prohibition against the registration of a second FIR. Equally, it is well-settled that a successive FIR cannot be sustained where it relates to the same transaction or the same incident. The guiding test is not only as to whether the alleged offences are similar or whether they took place within the jurisdiction of different police stations, but as to whether the subsequent FIR pertains to a distinct incident or whether both FIRs form part of one continuous or same transaction. It is this “test of sameness” which has been applied to the facts of the present case.

25. In order to determine whether the impugned FIRs arise out of single or continuous transaction, or relate to separate and distinct incidents, it is first necessary to examine the allegations contained in each of the FIRs. In the opinion of this Court, a comparative reading of the allegations, the time and place of the alleged incidents, the nature of the acts attributed to the petitioners, and the sequence in which the events are stated to have unfolded would be necessary for applying the “test of sameness” laid down by the Supreme Court.

26. We have perused the chart which is placed in the foregoing paragraphs. We found the contents of the FIRs are same in nature. The foundation of all the FIR is also one.

27. The Supreme Court in the case of *Babubhai (supra)* has held that while examining the validity of successive FIRs, the Court is required to apply the 'test of sameness' to determine whether the FIRs relate to the same transaction or to distinct incidents.

28. Applying the said principles to the facts of the present case, and on a comparative reading of the FIRs, this Court finds as follows:-

(i) Unity of incident – The foundation of all the FIRs is one

(ii) Continuity of action – The allegations in all the FIRs disclosed, prima facie indicates continuity of the same incident then separate incidents.

(iii) Proximity of time and place – The FIR relates to the incident.

(iv) Nature of allegations/offence – After perusal of FIR, we find that the allegations leveled in all the FIRs are identical.

(v) Similar accused persons – After perusal of FIR, the allegations made in FIRs are the same in nature and the accused persons named in the FIR were working on the behest of the same company or same person.

29. From the above-said factual matrix, it is evident that the distinct features sought to be pointed out by the State are confined primarily to the fact that the incident has took place at the different point of time in the jurisdiction of different police stations and therefore, the

FIRs were registered at different police stations. In the opinion of this Court, these circumstances, by themselves, do not alter the character of the alleged incident in question, when the prosecution itself alleges that all the FIRs arise from one continuing incident on the same day, by the accused persons. In the considered opinion of this Court, the facts of the present case satisfy the 'test of sameness' as there is unity of purpose and design, proximity of time and place and continuity of action.

30. In the case of *State (NCT Delhi) Vs. Khimji Bhai Jadeja* reported in *2026 SCC Online SC 19*, while dealing with the issue of clubbing of several FIRs into a single FIR, the Supreme Court has held as follows:-

"9. The issue, therefore, boils down to whether or not the offenses allegedly committed against the 1,852 complainants were part of the 'same transaction'. We may first note the case law that has developed over time on the issue of consolidation of FIRs. In S. Swamirathnam v. State of Madras, a three-Judge Bench of this Court rejected the contention of the accused that there was misjoinder of charges as several conspiracies, distinct from each other, had been lumped together and tried at one trial. The Bench observed that the charges, as framed, disclosed one single conspiracy spread over several years and the only object of the conspiracy was to cheat members of the public. Per the Bench, the mere fact that others joined in the conspiracy in the course of those years or the fact that several incidents of cheating took place pursuant to the conspiracy did not change the conspiracy or split it up into several conspiracies. It was held that the instances of cheating were in pursuance of one conspiracy and were, therefore, parts of the same transaction."

31. From the above-said observations, it is clear that every case will have different facts and that has to be seen in terms of the principles laid down by the Supreme Court as to whether that passes the test of

'same transaction' or 'sameness' as discussed above. In the instant case as discussed above to 'test of sameness' has already been passed.

32. In this connection, the case of *Amit Katyal & another (supra)* can also be referred to, wherein the Supreme Court has observed that permitting multiple FIRs and investigations in different jurisdictions on the same set of facts would not only be contrary to the settled legal position, but would also result in avoidable multiplicity of proceedings, conflicting findings and serious prejudice to the petitioners. It was also observed that consolidation of such FIRs at one place would subserve the ends of justice by ensuring a coordinated, effective, and complete investigation, which also safeguards the right of the petitioners to mount an effective and meaningful defense in a single proceeding.

33. From the above discussions on the principles of law laid down by the Supreme Court in various cases, it is discernible that in appropriate cases, multiple FIRs can be allowed to be clubbed together and for that purpose, the first FIR can be treated as the primary FIR and other FIRs can be treated as statements under Section 161 of CrPC (180 BNSS). However, there is no straitjacket formula for doing so and the allegations in the FIRs as well as other factors like *modus operandi*, number of transactions, parties to the offense and whether the cause of action is same, are relevant factors. The test of sameness and one transaction are relevant criteria for treating the subsequent FIR as a second FIR, which is not permitted under the law. Where several

offenses are part of the same transaction, the test of sameness has to be applied to find out whether they are so related to one another on the point of purpose or cause and effect, so as to result in one continuous action.

34. In the instant case, the allegations made by different complainants in all the FIRs are exactly the same. The allegations made in FIRs are the same in nature and the accused persons named in the FIR were working on the behest of the same company or same person, therefore, on perusal of all the FIRs this Court does not find any difference or distinguishable fact in above-said all the FIRs.

35. Taking into account the principles as discussed above in foregoing paragraphs, this Court is of the considered opinion that the allegations narrated in all the FIRs are same, though filed in different places.

36. In view of the above-said facts, this Court is of the opinion that allowing all the FIRs to independently go ahead will be an abuse of the process of law. It will also be contrary to the settled legal position, which will result in much avoidable multiplicity of proceedings, conflicting findings and serious prejudice to the petitioner in the instant case. Therefore, this Court is of the considered view that the first FIR i.e. F.I.R. dated 18.07.2024,

Case Crime No. 612 of 2024, under Sections 111, 318, 61(2) 352 and 351 (3) of B.N.S., Police Station-Kotwali Lalitpur, District-Lalitpur is directed to be treated as the Principal FIR and all subsequent FIRs and further proceedings arising therefrom shall be clubbed with the Principal FIR i.e. Case Crime No. 612 of 2024 and their contents shall be treated as statements under Section 161 of the CrPC (180 BNSS).

37. It is accordingly, directed that all subsequent FIRs shall be forthwith transferred to the police station where the Principal FIR is lodged i.e. Police Station - Kotwali Lalitpur, District-Lalitpur, provided that charge-sheet has not been submitted before the Court concerned, so that the investigation in the principal FIR can proceed without any delay.

38. In case, cognizance has already been taken by any Court in any subsequent FIR/criminal cases, shall also stand transferred/clubbed with the principal FIR such cases shall be tried by the Court having jurisdiction to try the principal FIR.

39. With the aforesaid observations and directions, the instant writ petition stands **disposed off**.

40. Before parting with the judgment, I would like to express my appreciation to my Research Associate, Mr. Md. Saif Ali Khan for

his thorough research and assistance to the Court in the instant case.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

September 23, 2026

Atul