



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 564 OF 2024

BETWEEN:

D PRAKASH NAGARAJ
S/O LATE HANUMANTHAPPA D
AGED ABOUT 55 YEARS
NOW WORKING PRINCIPAL
AT GOVERNMENT ITI COLLEGE
LAKSHMIPURA
HARAPPANAHALLI TLAUK
BELLARY DISTRICT, R/AT NO 12,
24TH CROSS, S.R NAGARA
BENGALURU - 560 0027

...PETITIONER

(BY SRI. A.V RAMAKRISHNA, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE BY SIDDAPURA POLICE STATION,
REPTD BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU - 560 001
2. SMT. K. JYOTHI
COMMISSIONER
INDUSTRIAL TRAINING &
EMPLOYMENT KOUSHALYA
BHAVAN, DAIRY CIRCLE,
BANNERGHATTA ROAD



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

BENGALURU - 560 029

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.179/2023 OF SIDDAPURA POLICE STATION FOR THE OFFENCE P/U/S.380,409 R/W SEC.34 OF IPC PENDING ON THE FILE OF THE IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE BENGALURU AS PER ANNEXURE A CONSEQUENTLY QUASH THE COMPLAINT AS PER ANNEXURE B.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. to quash the FIR registered in Crime No.179/2023 by the 1st respondent - Siddapura Police against the petitioner for the offences punishable under Section 380, 409 read with Section 34 of IPC, pending on the file of IV Addl. Chief Metropolitan Magistrate, Bengaluru.

2. The brief facts of the case are that, on 11.07.2023, through registered post one K.Jyothi, Commissioner, Industrial Training and Employment, lodged a complaint alleging that one Jyothi Harish Gowda, was the person who had stolen the



CNR: KAHC010030032024

**NC: 2026:KHC:52373
CRL.P No. 564 of 2024**

Government documents/register, however, said Jyothi Gowda complained to Government against K.Jyothi, Commissioner and Senior Officials without any basis. As such, K.Jyothi issued notice to Jyothi Gowda, pursuance to which, Jyothi Gowda appeared and gave a statement that she had not given any complaint to Government against K.Jyothi and other Senior Officials and that she had not stolen any documents/register, but she suspected one D.Prakash Nagaraj, who was working in the same department. As such, a complaint was lodged against Smt.Jayanthi and D.Prakash Nagaraj i.e., the petitioner herein by respondent No.2 - K.Jyothi, based on which, the 1st respondent - police registered FIR in Crime No.179/2023 for the offences punishable under Section 380, 490 read with Section 34 of IPC. However, on the same set of facts, the Assistant Director of Industrial Training and Employment earlier lodged a complaint before respondent No.1 - police on 04.05.2023 against unknown person, based on which, FIR in Crime No.96/2023 was registered for the offence punishable under Section 380 of IPC. Aggrieved by registration of two FIRs on the same set of facts, the petitioner is before this Court



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

seeking quashing of FIR in Crime No.179/2023 registered by 1st respondent - police for the offences punishable under Sections 380, 409 read with Section 34 of IPC pending on the file of IV Additional Chief Metropolitan Magistrate, Bengaluru.

3. Heard the learned counsel for the petitioner and the learned HCGP for the State.

4. The contention of the learned counsel for the petitioner is that in respect of theft of Government documents/register in the office of Industrial Training & Employment, a complaint was lodged by the Assistant Director of Industrial Training and Employment before respondent No.1 - police on 04.05.2023 against unknown person, based on which, FIR in Crime No.96/2023 was registered for the offence punishable under Section 380 of IPC. However, against the very same theft, the Commissioner, Industrial Training and Employment lodged another complaint against the petitioner, which also came to be registered by the 1st respondent police in Crime No.179/2023. Thus, the second FIR for the very same offence is untenable. Accordingly, he prays to allow the petition.



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

5. *Per contra*, the prayer in the petition is opposed by the learned High Court Government Pleader on the ground that the investigation is still under progress and the police have to collect the materials to ascertain the truth of the complaint averments, in a detailed investigation. As such, he prays to dismiss the petition.

6. I have given my anxious consideration to the submission of learned counsel for the petitioner and the learned HCGP and perused the material on record.

7. Admittedly, in respect of a theft of the documents/register of the office of Industrial Training and Employment, a complaint was lodged by the Assistant Director of said office on 04.05.2023 against unknown person, based on which, FIR in Crime No.96/2023 was registered for the offence punishable under Section 380 of IPC. During the pendency of investigation in the said crime, the Commissioner of the very same office i.e., Industrial Training and Employment lodged a second complaint in respect of very same theft of documents/register of said office, however, against the



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

petitioner, which also came to be registered by the 1st respondent police in Crime No.179/2023 for the offences punishable under Sections 380, 409 read with Section 34 of IPC. It is submitted by learned counsel for the petitioner that in the earlier complaint in Crime No.96/2023, the petitioner obtained bail and appeared before the investigating officer and that the investigation is under progress. In such circumstances, against the very same offence, the police cannot register another FIR since there is a bar to maintain second FIR in respect of same cognizable offence. There is substantial force in the contention of the learned counsel for the petitioner.

8. The Hon'ble Apex Court in the case of ***T.T.ANTONY Vs. STATE OF KERALA & OTHERS - 2001 CRL.L.J. 3329*** has held in paragraphs 20, 27 and 28 as under:

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



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

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.

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* [(1979) 2 SCC 322 : 1979 SCC (Cri) 479] 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 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,



CNR: KAHC010030032024

**NC: 2026:KHC:52373
CRL.P No. 564 of 2024**

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.

9. From the above judgment of the Hon'ble Apex Court, it is clear that 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. In the instant case, since the earlier FIR in Crime No.96/2023 was registered for the similar cause of action and for the same offence as mentioned in the second FIR in Crime No.179/2023 and Investigating Officer is investigating the earlier FIR and in the said crime, the petitioner has already arrayed as accused and obtained bail and appeared before the Investigating Officer, registration of second FIR for the very



CNR: KAHC010030032024

NC: 2026:KHC:52373
CRL.P No. 564 of 2024

same offence cannot be permitted. Placing reliance on the above judgment and applying the ratio laid down in the said case to the facts and circumstances of this case, the second FIR registered in Crime No.179/2023 for the offences punishable under Sections 380, 409 read with Section 34 of IPC pending on the file of IV Additional Chief Metropolitan Magistrate, Bengaluru, against the petitioner is quashed.

Accordingly, the petition is ***allowed***.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 33