

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.16478 of 2008

ORDER:

The petitioners assail the action of the Station House Officer, L.B.Nagar Police Station, Hyderabad, in registering Crime No.466 of 2008 against them under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the Act of 1989'), on the complaint made by the

3rd respondent, on the ground that Crime No.1012 of 2006 was already registered against them in relation to the same incident.

By order dated 30.07.2008, this Court granted interim stay of all further proceedings in Crime No.466 of 2008 on the file of the L.B. Nagar Police Station, Hyderabad. The said order was made absolute on 07.07.2010.

It is an admitted fact that Crime No.1012 of 2006 was registered on the complaint made by the 3rd respondent by the L.B.Nagar Police Station under Sections 294 and 504 I.P.C. However, it appears that the Station House Officer, L.B.Nagar Police Station, again registered Crime No.466 of 2008 under Section 3 of the Act of 1989 in relation to the very same incident which was the subject-matter of the earlier registered offence.

It is a settled position of law that a second F.I.R. in respect of an offence or different offences committed in the course of the same transaction is not only impermissible but it also violates Article 21 of the Constitution of India (**T.T.Antony v. State of Kerala**^[1] and **Amitbhai Anilchandra Shah v. Central Bureau of Investigation**^[2]).

In view of the aforestated legal position, the registration of

Crime No.1012 of 2006 by the Station House Officer, L.B.Nagar Police Station, Hyderabad, cannot be sustained. The said crime is therefore quashed.

The writ petition is accordingly allowed.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:01.07.2015

GJ

[\[1\]](#) (2001) 6 SCC 181

[\[2\]](#) (2013) 6 SCC 348