

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No. M-7142 of 2011 (O&M)
Date of Decision: 31.08.2015.**

Kirpa Devi and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Sihota, Senior Advocate with
Mr. B.R.Rana, Advocate
for the petitioners.

Ms. Mahima, AAG, Haryana.

Mr. Gautam Dutt, Advocate
for respondent No. 2.

.....

SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 217 dated 11.7.2010, under Section 148, 149, 323, 325, 506, 307 of the Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Hodal, Tehsil and District Palwal (Annexure P-1) and all the subsequent proceedings arising therefrom.

Learned senior counsel for the petitioners has submitted that qua the same incident, two FIRs could not be registered. Hence, the FIR in question is liable to be quashed. Petitioners had already lodged FIR Annexure P-2 qua the incident in question. In support of his arguments, learned senior counsel has placed reliance on ***Babubhai versus State of***

Gujarat and others 2010(9) SC 177 and T.T.Antony versus State of Kerala and others JT 2001(5) SC 440.

Learned counsel for respondent No. 2, on the other hand, has opposed the petition and has submitted that it was a case of version and cross version. Therefore, with regard to rival versions in respect of same incident, lodging of two FIRs was permissible. In support of his arguments, learned counsel has placed reliance on '**Surender Kaushik and others versus State of Uttar Pradesh and others 2013(2) R.C.R. (Criminal) 861**, wherein it was held as under:-

“From the aforesaid decisions, it is quite luminous that the lodgment of two FIRs is not permissible in respect of one and the same incident. The concept of sameness has been given a restricted meaning. It does not encompass filing of a counter FIR relating to the same or connected cognizable offence. What is prohibited is any further complaint by the same complainant and others against the same accused subsequent to the registration of the case under the Code, for an investigation in that regard would have already commenced and allowing registration of further complaint would amount to an improvement of the facts mentioned in the original complaint. As is further made clear by the three-Judge Bench in Upkar Singh (supra), the prohibition does not cover the allegations made by the accused in the first FIR alleging a different version of the same incident. Thus, rival versions in respect of the same incident do take different shapes and in that

event, lodgment of two FIRs is permissible.”

There is no quarrel with the proposition of law that qua the same incident, two FIRs can not be registered. However, if rival versions with regard to the same incident are set up, then in that case lodging of two FIRs is permissible. A perusal of the FIR (Annexure P-1) registered against the petitioners and FIR (Annexure P-2) registered at the instance of the petitioners reveal that, although, the occurrence is alleged to have taken place on 18.6.2010 but both the parties had set-up their own versions qua the occurrence. As per the FIR (Annexure P-1), the case of the complainant party is that they had reached the site to raise construction where the petitioners had attacked the complainant party. On the other hand, the version put forth in FIR (Annexure P-2), registered at the instance of the petitioners, is that the accused had come to the spot and had inflicted injuries on the person of the complainant party. Since both the sides have put up rival versions qua the incident which had taken place on 18.6.2010, the lodging of two FIRs was permissible.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

August 31, 2015
Gurpreet