

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-38503 of 2014

Date of Decision: January 27, 2015

Parvesh Kumar

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Anil Chaudhary, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

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M.M.S. BEDI, J. (ORAL)

Petitioner claims that pertaining to the same occurrence, two FIRs have been registered at the instance of different informants. Challan has already been presented in FIR No. 144 dated September 7, 2009 under Sections 447, 427 and 511 IPC registered at Police Station Sarabha Nagar, Ludhiana. Another FIR No. 146 dated September 7, 2009 under Sections 323, 324, 379, 148, 149 and 506 IPC has also been registered at Police Station Sarabha Nagar, Ludhiana. It has been informed that the petitioner has been declared a proclaimed offender in FIR No. 146 abovesaid and the

proceedings in said case have been consigned after recording the statements of the prosecution witnesses under Section 299 Cr.P.C. Counsel for the petitioner submits that the order declaring petitioner a proclaimed offender has been set aside by the Sessions Judge, vide annexure P-3.

State counsel, on the instructions of HC Madan Lal had admitted that the two FIRs have been registered on the basis of two information pertaining to the same occurrence.

The circumstances of the present case indicate that at present for the same event, petitioner is booked in two FIRs because there were two informants. As per the judgment in **T.T. Antony Vs. State of Kerala and others**, 2001 VAD (SC) 373, an accused cannot be tried for the same offence in two FIRs. Following the precedent in the said case the FIR No.146 dated September 7, 2009 registered at Police Station Sarabha Nagar, Ludhiana has to be considered as supplementary challan against the petitioner for trial alongwith FIR No. 144 dated September 7, 2009 registered at Police Station Sarabha Nagar, Ludhiana. Since the petitioner is not a proclaimed offender, it is open to the Illaqa Magistrate/ trial Court to accept supplementary challan from the police in FIR No.146 dated September 7, 2009 for trial of the petitioner but it is directed that the trial will be conducted by the same Magistrate by treating the challan in FIR No. 146 dated September 7, 2009, Police Station Sarabha Nagar, Ludhiana, as a supplementary challan. The witnesses cited in subsequent FIR NO. 146 could be examined by the trial Court considering the challan in FIR No. 146

as supplementary challan to the FIR No. 144. Instead of quashing the FIR No.146 dated September 7, 2009 registered at Police Station Sarabha Nagar, Ludhiana, it is directed that the challan/ supplementary challan in the said FIR will be considered as an investigation under Section 173 (8) Cr.P.C. and the same would be taken up with the proceedings in FIR No.144 as per the precedent in **T.T. Antony's** case (supra). The investigating agency is directed to expeditiously take steps in the above said direction so that the investigation in FIR No. 146 is considered as an investigation under Section 173 (8) Cr.P.C. to be taken up alongwith challan under Section 173 (2) Cr.P.C. in FIR No. 144 of 2009 registered at Police Station Sarabha Nagar, Ludhiana.

Disposed of.

January 27, 2015
sanjay

(M.M.S.BEDI)
JUDGE