

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

CRWP No. 110 of 2016

DECIDED ON: DECEMBER 01, 2016

SUNIL AHUJA AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Article 226 and 20 of the Constitution of India read with Section 482 Cr.P.C., petitioners have sought appropriate writ in the nature of mandamus or any other writ praying for the quashing of 2nd FIR No. 484, dated 16.10.2015, under Sections 406 and 420 IPC registered at Police Station Meham, District Rohtak.

The second FIR No. 484 dated 16.10.2015 was registered on the basis of same set of allegations, evidence and documents regarding which the petitioners are already facing trial in case FIR No. 160, dated May 21, 2014.

Undisputably, Amit Kumar son of Om Parkash resident of VPO Ajayab, Tehsil Meham, District Rohtak is one of the prosecution witnesses in case FIR No. 160, dated May 21, 2014. In the said case, on conclusion of investigation report under Section 173(2) Cr.P.C has already been presented in the Court of learned Jurisdictional Magistrate and that Court is *seisin* of the

matter. But subsequently, on the basis of same set of allegations and documents a fresh FIR No. 484, dated 16.10.2015 has been registered. The registration of second FIR is nothing but a double jeopardy, which is not permissible under the provisions of Constitution of India.

Without discussing much, this Court observes that second FIR i.e. FIR No. 484 dated 16.10.2015 is nothing but an abuse of process of law and is not sustainable in the eyes of law.

In the light of what has been discussed above, instant petition is allowed and FIR No. 484, dated 16.10.2015, under Sections 406 and 420 registered at Police Station Meham, District Rohtak stands quashed qua petitioners.

DECEMBER 01, 2016
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>