



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.15368 & 15375 of 2021  
and  
Crl.M.P.Nos.8405 & 8409 of 2021

Crl.O.P.No.15368 of 2021

- 1.Babu @ Kader Batcha
- 2.Jafer Ali
- 3.Abudhair
- 4.Husain
- 5.Mohamed Rasool
- 6.Mohamed Yasin

... Petitioners/1,4,5,6,7 & 8 Accused

Vs.

1. State Rep. by its  
The Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore.  
(Cr.No.707 of 2013).

2. The Sub-Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore.

3. Mahendran

... Respondents/Complainant

Crl.O.P.No.15375 of 2021

- 1.Babu @ Kader Batcha
- 2.Mujibur Rahman
- 3.Noor Mohamed
- 4.Rafidhin @ Ramdeen
- 5.Akbar Ali
- 6.K.Abu Hanifa
- 7.Sadham Husain
- 8.Rafideen
- 9.Sadiq Ali
- 10.Kaja Maidhin
- 11.Naseer @ A.Naseer Ahamed

... Petitioners/1,4,6,7,8,  
9,10,11,12,14,15 Accused



Vs.

1. State Rep. by its  
The Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore.  
(Cr.No.705 of 2013).

2. The Sub-Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore.

3. Rangaraj

... Respondents/Complainant

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in Crime Nos.705 & 707 of 2013 respectively on the file of the second respondent herein and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith  
(in both CrI.O.P.Nos.)

For R1& R2 : Mr.A.Damodaran  
(in both CrI.O.P.Nos.) Government Advocate (CrI. Side)

#### COMMON ORDER

These Criminal Original Petitions are filed to call for the records relating to the case in Crime Nos.705 & 707 of 2013 respectively on the file of the second respondent herein and quash the same as illegal and without jurisdiction.

2.The contention of the petitioners is that for the same cause of action there have been multiple FIRs in Crime Nos. 704, 705, 706 & 707 of 2013. In view of the Judgment of the Hon'ble Supreme Court of India in the case of T.T.Antony Vs. State of Kerala, wherein the Apex Court had held that in respect of same occurrence two FIRs had been lodged and the Court held that there can be no second FIR and no fresh investigation, on receipt of every subsequent information in respect of the same cognizable offence or same occurrence giving rise to one or more cognizable offences. The investigating agency has to proceed only on the information about commission of a cognizable offence which is first entered in the police station diary by the officer Incharge under Seciton 158 Cr.P.C. and all other subsequent information would be covered by section 162 Cr.P.C. For the reason that it is the duty of the Investigating Officer



not merely to investigate the cognizable offence report 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 the Investigating Officer has to file one or more reports under Section 173 Cr.P.C. Even after submission of the report under Section 173(2) Cr.P.C., if the Investigating Officer comes across any further information pertaining to the same incident, he can make further investigation, but it is desirable that he must take the leave of the court and forward the further evidence, if any, with further report or reports under Section 173(8) Cr.P.C. In case the officer receives more than one piece of information in respect of the same incident involving one or more than one cognizable offence such information cannot properly be treated as an FIR as it would, in effect, be a second FIR and the same is not in conformity with the scheme of the Cr.P.C.

3. Accordingly in these cases also the other complaints have to be investigated in the first FIR, in which the petitioners have been arrayed as accused. The second respondent has filed multiple FIRs in Crime Nos.704, 705, 706 and 707 of 2013 for the alleged offence in the course of same transaction on the same set of facts and on the same date and time, where a charge sheet has already filed for the FIR in Crime No.704 of 2013 and the same is pending before the Judicial Magistrate Court, Mettupalayam in C.C.No.297 of 2016.

4. Further this Court vide order dated 19.03.2021 and 22.03.2021 had allowed the Criminal Original Petitions in CrI.O.P.Nos.5399 & 5418 of 2021 respectively and quashed the proceedings in Crime Nos.705 & 707 of 2013 as against A3 viz., Farook @ Tondai Farook @ Farook Abdullah. The petitioners herein are also entitled to enjoy the benefit on the point of limitation. In view of the above, this Court is inclined to allow these Criminal Original Petitions.

5. In the result, the FIRs in Crime Nos.705 & 707 of 2013 pending investigation on the file of the second respondent police are hereby quashed in so far as the petitioners are concerned and these Criminal Original Petitions are allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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