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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 3093/2024 and Crl.M.A. 29949/2024 and
29950/2024

AMAN CHOUDHARY @ AMAN DEEPPetitioner
Through: Mr.Osama Suhail,
Mr.Aishwarya Raj,
Advocates
versus

CENTRAL BUREAU OF INVESTIGATIONS & ANR.
.....Respondents

Through: Ms.Anubha Bhardwaj,
SPP for CBI with
Mr.Ujjwal Choudhary and
Mr.Vishal Sharma,
Advocates
Mr.Sarafaraz Khan,
Mr.Mirza Amir Baig and
Mr.Abdul Wahid Mashaal,
Advocates for R-2/UCO
Bank

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
04.10.2024

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1. The present petition is filed seeking quashing of FIR No. RC2182023A0004 dated 22.02.2023, registered at CBI/AC-III , for offences under Sections 120B read with Section 420 of the Indian Penal Code, 1860 ('**IPC**') and Sections 7/9/10/12 of the Prevention of Corruption Act, 1988 (hereafter '**the impugned FIR**').
2. The present petition is filed essentially on the ground that two FIRs cannot be registered in regard to the same allegations.
3. The learned counsel for the petitioner submits that FIR



No.RC0092021A0005 was registered on 15.09.2021 by ACB, Jabalpur, for offences under Sections 407/ 420/ 467/ 468/ 471/ 120B of the IPC and Sections 13(1)(a) read with Section 13(2) of the Prevention of Corruption Act, 1988 on a complaint given by Shri Amit Raj, Deputy General Manager and Zonal Head, UCO Bank, Zonal Office, Bhopal alleging that a fraud for a sum of ₹19.83 Crores had been committed by the company, namely, M/S CGR Collateral Management Limited and its Directors.

4. He submits that subsequently, the present FIR was registered by the CBI on the directions given by Hon'ble Lokpal of India.

5. It is the case of the petitioner that both the FIRs have been registered on the same allegations.

6. The petitioner had approached this Court on an earlier occasion also by way of a Writ Petition, being, W.P.(CRL) 1840/2024, seeking quashing of the impugned FIR on the ground that the two FIRs on the same allegations have been registered and the same is not permissible in view of the judgment passed by the Hon'ble Apex Court in the case of ***T.T. Antony v. State of Kerala : (2001) 6 SCC 181***.

7. It is pointed out that the said petition was listed before the Coordinate Bench of this Court on 31.05.2024 when a statement was made by the learned SPP for CBI that both the FIRs have been clubbed together and would now be investigated by the CBI and the investigation would now be carried out in the impugned FIR.

8. The petition was disposed of as withdrawn on the petitioner seeking liberty to invoke appropriate remedy in law before the appropriate forum.

9. The learned counsel for the petitioner submits that the



present writ petition has now been filed since the same is the appropriate remedy and the Delhi High Court is the appropriate forum for quashing of the FIR.

10. He submits that the same argument is raised by the petitioner in the present petition as well that two FIRs cannot be registered alleging the same offence.

11. In the opinion of this Court, the argument raised by the petitioner is frivolous and *mala fide*.

12. When the petitioner had been granted liberty to invoke the appropriate remedy before the appropriate forum, the same cannot be taken as a liberty to file a fresh writ petition when admittedly there is no change in circumstances.

13. It is relevant to note that the impugned FIR is registered by the CBI on the directions issued by Hon'ble Lokpal under Section 20(3)(a) of the Lokpal and Lokayuktas Act, 2013. The grievance of the petitioner is that the two FIRs could not have been registered in view of the decision of the Hon'ble Apex Court in the case of ***T.T. Antony v. State of Kerala*** (*supra*). The Hon'ble Apex Court had held that investigation in multiple FIRs alleging the same offence cannot be allowed to continue. In the present case, however, it is an admitted case that both the FIRs have been clubbed and are being investigated by CBI. Therefore, it cannot be said that the two FIRs are being separately investigated and the same is not permissible.

14. The petitioner, admittedly, is not subjected to the parallel investigations being carried out by two different agencies at the same time. Therefore, no prejudice can be argued to have been caused. The investigation is being carried out by the CBI and an appropriate report would be filed after the investigation is complete. It is not the case of the petitioner that the prosecuting



agency, in the earlier FIR, had already concluded the investigation which had led to the petitioner's exoneration.

15. Even otherwise, once the writ petition had been filed on an earlier occasion seeking the same prayer as in the present writ petition, filing of a fresh writ petition would be barred by the principles of *res judicata*.

16. The petitioner had specifically withdrawn the writ petition though the liberty has been granted to file appropriate proceedings before an appropriate forum but the same cannot be construed to have permitted the petitioner to file a fresh writ petition seeking the same relief. The same is an abuse of the process of law.

17. The present petition is, therefore, dismissed with cost of ₹25,000/- to be deposited with the Delhi High Court Legal Services Committee.

18. Let the proof of deposit of cost be furnished to the Registry of this Court.

AMIT MAHAJAN, J

OCTOBER 4, 2024/SV