

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE DR.JUSTICE AJOY KUMAR MUKHERJEE

CRR 4336 of 2025

With

CRAN 1 of 2025

Rahul Purohit & Anr.

Vs.

The State of West Bengal &Anr.

For the Petitioners	:	Mr. Anirban Dutta Mr. Abhinav Rakshit Mr. A. Chatterjee
For the <i>de facto</i> Complainant	:	Mr. Akash Ganguly Mr. Abhishek Mukherjee Mr. Amaandeep Gupta
For the State	:	Mr. Prasun Kumar Dutta, APP Ms. Puspita Saha
Heard on	:	22.01.2026
Judgment on	:	17.03.2026

Dr.Ajoy Kumar Mukherjee, J.

1. The instant Application has been preferred by the petitioner for quashment of G.R Case no 6529 of 2024 arising out of Liluah P.S Case no. 668 of 2024 dated 21.12.2024 on the ground that the said FIR is the second FIR in connection with self-same facts and self-same allegations and in

connection of which the other criminal proceeding being Jorabagan P.S Case no. 214 of 2024 dated 20.12.2024 has already been initiated.

2. Being aggrieved by the present proceeding, learned counsel for the petitioner submits that on perusal of the Jorabagan police station case no. 214 of 2024 along with Liluah P.S case no. 668 of 2024, it transpires that the *defacto* complainant and the accused persons are the same. It is alleged in Jorabagan P.S case that the date and time of occurrence is in between 11.30 P.M. on 19.12.2024 and 2.00 A.M. on 20.12.2024 whereas date and time of occurrence in connection with Liluah P.S is in between 11.05 P.M. on 19.12.2024 and 1.30 A.M. on 20.12.2024 . However while the information in connection with Jorabagan P.S was received on 20.12.2024 at 16:10 Hrs, the information received in connection with Liluah P.S case is on 21.12.2024 at 21:05 Hrs. Therefore it is clear that Jorabagan P.S Case no. 214 of 2024 was initiated prior to the instant Liluah P.S case no. 668 of 2024.

3. Mr. Dutta on behalf of the petitioners further submits that the Trial Court while granted bail had held that after meticulously going to the case record, he did not find any reason to detain the accused person behind the bar, in connection with the instant case, as both the cases relate to the self-same cause of action and already they are in judicial custody in connection with the Jorabagan P.S case no. 214 of 2024, which is the earlier one. He further submits that a bare perusal of charge sheet, it reveals that no medical injury report of the complainant was collected as the complainant had attended only at Outpatient Department of the hospital as confirmed by the hospital superintendent. He further contended that in the instant

FIR, the opposite party no. 2 deliberately and with *malafide* intention has suppressed the material fact of initiation of the earlier proceeding being Jorabagan P.S case no. 214 of 2024, while lodging the subsequent complaint before Liluah P.S.

4. He further submits that the incident is discrete and not a continued offence and multiple proceedings on identical fact with minor variation, amounts to abuse of process and are liable to be quashed. Petitioners' specific contention is that the instant case along with Jorabagan P.S Case no. 214 of 2024 are result of malicious prosecution done at the behest of the opposite party no. 2 to wreak vengeance against the petitioners as the petitioners refused to act illegally. Moreover the opposite party no. 2 has not offered any plausible explanation for the delay in lodging the instant FIR.

5. Mr. Dutta on behalf of the petitioner further submits that section 140(3) of the BNS 2023 does not attract in the instant proceeding in the absence of corroboration and the FIR in connection with Jorabagan P.S states that the accused merely dropped opposite party no.2 at home, negating any ingredient of abduction. Similarly section 115(2) of BNS also does not have any application as investigating agency could not establish that the opposite party no. 2 herein had sustained any injury.

6. Learned advocate for the state produced a medical report of opposite party but it appears that said report is not in connection with the instant proceeding but in connection with the Jorabagan P.S case. He further submits that section 308 (4) of the BNS does not attract as there appears to be no allegation of extortion in the written complaint and the alleged weapon was never recovered.

7. He further submits that if the second FIR arose out of a continuing series of acts connected with the first FIR, court can direct that the report submitted in the second FIR be treated as a supplementary charge sheet to the first FIR. However in the instant case both FIRs relate to the very same alleged incident and do not disclose any continuing offence and as such the authorities relied by the complainant is not applicable in the present context.

8. Therefore in the instant case where multiple FIRs have been registered over a period of a time, it is in the background of such circumstances the registration of multiple FIRs assumes importance and thereby attracting the issue of wrecking vengeance out of private and personal grudge. As such further continuance of the impugned proceeding shall amount to an abuse of the process of the court and it is expedient in the interest of justice that the impugned proceeding be quashed, invoking this Court's jurisdiction under section 528 of the BNSS.

9. Mr. Akash Ganguly appearing on behalf of *defacto* complainant opposed the prayer made by the petitioner and submits that three FIRs being Posta P.S. Case no. 140 of 2024, Jorabagan P.S. Case no. 214 of 2024 and the instant Liluah P.S. Case no. 668 of 2024 pertains to distinct and separate criminal incidents, occurring in different times, involving different weapons and different modes of criminal intimidation and assault. The attempt to club them on the ground of same cause of action is misleading and contrary to the material on record. After thorough investigation, the investigating agency has filed a detailed charge sheet, which clearly discloses offences under the BNS and therefore at this stage quashing of

proceeding would not be appropriate. When investigation is complete and charges have been framed the petitioners should face trial to unearth the truth. He further submits that the medical report dated 20.12.2024 corroborates the allegation of assault and provides material evidence, which cannot be ignored at the threshold. The nature of injury is consistent with the version of the complainant. The allegation of malicious prosecution is bald assertion without any evidentiary support. In cases involving assault, threat and intimidation by influential person, victims often required time to gather courage and to approach the police. Therefore the delay in lodging present FIR is neither inordinate nor unexplained and therefore cannot be said to be fatal for the prosecution case. He further submits that powers under section 528 of the BNSS are extraordinary in nature and should be exercised only in the rarest of rare cases, where no offence is disclosed and obviously the present case does not fall within such category.

10. The alleged contradictions between statement in different cases are material for trial and cross examination and cannot be grounds for quashing at this stage. The grant of bail to the accused persons does not imply that the case is weak or false because it has got no connection with the merit of the evidence. Quashing of one FIR will create lacuna and on the contrary clubbing of both the FIR shall depict a consolidated set of facts which shall help the court to come to a logical conclusion. Therefore in worst case FIR of the subsequent proceeding may be clubbed together so that the result of investigation in each case can depict a clear picture to ensure that all aspects of the alleged offence are examined thoroughly, allowing the matter to reach its logical and just conclusion, in accordance with law.

11. I have considered submission made by both the parties.

12. Law in connection with lodging multiple FIRs or successive FIRs whether before or after filing final report under section 173(2) Cr.P.C. is well settled , in ***Babubhai Vs. State of Gujrat*** and others reported in **(2010) 12 SCC 254.**

13. Now let me examine the instant case in the light of settled principle of law. For brevity of discussion the crux of allegation in two FIRs are placed below in a tabular form.

Name of Police Station:	Jorabagan (P.S)	Liluah (P.S)
FIR Number :	214 of 2024	668 of 2024
Date and Time :	In between 19.12.2024 11:30 P.M and 20.12.2024 at 02:00 A.M	In between 19.12.2024 at 11:25 P.M and 20.12.2024 at 1:30 A.M
Place of Occurrence:	Approx 1 K.m. South East from 67/40 Strand Road, 11 No. Goli Kolkata -6	Approx 02 K.m North of 140 SS dhar Lane, Liluah
Name of De-facto Complainant :	Vikash Bharati	Vikash Bharati
Name of the Accused:	Tarun Tiwari Rahul Purohit Rahul Singh Avinash Mondal	Tarun Tiwari Rahul Purohit Rahul Singh Avinash Mondal
Date of received of information :	20.12.2024 at 16:10 Hrs At about 11.30 P.M.	21.12.2024 at 21:05 Hrs
Gist of allegation:	On 19.12.2024 two persons namely Avinesh Mondal& Rahul Singh called victim and took him along with them with a scooty and brought him near the house of Tarun Tewari at 67/40 Strand Road, 11 no. Goli, Kolkata-6 and thereafter these four persons surrounded and confined him and threatened him for making a video and on his refusal, all the four accused persons assaulted him, whereby all of them punched and hit on	On 19.12.2024 at about 11:25 p.m, complainant's neighbour Avinash came to his house asked him for help to go to an accident site near Malapara and when he agreed, he brought him by a scooty vehicle near chowrastha. Rahul Singh who was already planted there at once stated abusing him and threatened him for dire consequences and forcibly took charge of the scooty and took him to an isolated place at posta

	his head and other parts of the body with a bunch of keys and recorded his video, wherein he was forced to say something and thereafter at about 2 a.m on 20.12.2024, they brought <i>defacto</i> complainant at his house.	near the residence of Tarun Tiwari, where Tarun and Rahul Purohit were waiting. On their arrival, said Tarun and Rahul assaulted complainant by first and blows, slapped him several time, asked him to follow their instruction at gun point and further threatened to mutilate his body into pieces and to dispose of the same in the river Hooghly. The accused put his pistol on his head and started a phone call and recorded his statement over phone and thereafter assaulted him. The entire incident took place between 11:25 P.M on 19.12.2024 to 1:30 A.M on 20.12.2024.
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14. Therefore if the two FIRs are read together it is clear that the incident started at about 11:30 P.M. and continued till 2 A.M in between 19.12.2024 to 20.12.2024. While considering both the FIRs it is clear that both the incident are the same and within close proximity of time. Therefore they are no parts of the same transaction. Infact the instant Liluah P.S. case is not a continuation of further information being collected, but a case initiated with similar facts and circumstances coupled with desperate attempt at the behest of the *defacto* complainant to entangle the petitioner in another litigation. It further appears that the Jorabagan P.S. Case was initiated prior to the instant Liluah P.S case. In the written complaint of Jorabagan P.S Case, the opposite party no. 2 states that on 19.12.2024 two persons namely Avinash Mondal (Petitioner no.1) and Rahul Singh called the opposite party no. 2 and took him along with them in a scooty vehicle to the vicinity of the petitioner's house. Thereafter said Rahul along with the

petitioner's surrounded opposite party no. 2 and forced him to make a video and on his refusal, the petitioner along with Rahul allegedly have assaulted the opposite party no. 2 whereby they have punched and hit the opposite party no. 2 on his head with a bunch of keys. Whereas similar facts occurred at almost similar time frame have been placed before Liluah P.S being the instant proceeding on the very next day and in order to call it a grievous offence, the opposite party no. 2 changed the nature of weapon form "bunch of keys" to "gun point of a pistol".

15. Upon a Juxtaposed reading of the complaint dated 21.12.2024 submitted by opposite party no. 2 before Liluah P.S, which culminated the initiation of the instant proceeding, it appears that opposite party no. 2 had suppressed the material fact of initiation of the earlier proceeding being Jorabagan P.S case no. 214 of 2024. In the complaint dated 20.12.2024, giving rise to Jorabagan P.S. case no. 214 of 2024, the complainant/opposite party no. 2 alleged that the petitioners assaulted him with a bunch of keys. However in material contradiction thereto, in the subsequent complaint which led to the initiation of the present case, the opposite party no. 2 alleged that the petitioners had threatened him at gun point and further threatened to mutilate his body into pieces and dispose of the same in the river Hooghly. The aforesaid inconsistency and mutually destructive allegations clearly demonstrate suppression of material facts, thereby casting serious doubt on the credibility and *bona fide* of the opposite party no. 2 in lodging instant FIR.

16. It is trite law that there cannot be two or more FIRs over the self-same cause of action. Here the instant case being Liluah P.S case no. 668 of 2024

and Jorabagan P.S case no. 214 of 2024 have been lodged on the self-same cause of action. It further appears that section 308(4) of the BNSS with the allegation of extortion was not invoked in the written complaint, lodged in connection with earlier instituted aforesaid Jorabagan P.S case. While saying so, I am not unmindful that the law is also well settled that second FIR out of a continuous series of act connected with the first FIR, the report of second FIR can be treated as a supplementary charge sheet to the first FIR but in the present case both FIRs relate to the same alleged incident and offence and do not disclose any continuing offence.

17. In the case is hand as explained above, instant FIR was nothing but description of same incident which allegedly took place in between 11:30 P.M on 19.12.2024 and 2 A.M on 20.12.2024, in order to paint the same incident with a grievous consequence. Needless to say that there must be a just balance between fundamental right of the accused persons guaranteed under the Constitution and the police power to investigate a case. Such power of investigating agency does not warrant subjecting an accused each time to fresh investigation by the police in respect of same occurrence. Supreme court has taken a clear view that filing of the second FIR and fresh charge sheet is violative of fundamental rights under Article 14, 20 & 21 of the Constitution, since the same relate to alleged offence, in respect of which an FIR had already been filed and the court has taken cognizance (***Amit bhai Anil chandra Shah Vs. CBI & Another*, AIR 2013 SC 3794**).

18. In ***Ram Lal Narang Vs. State (Delhi Administration)*** case reported in **(1979) 2 SCC 322** Supreme Court pointed out that the only test whether two FIRs can be permitted to exist is whether the two conspiracies were

identical or not. In view of aforesaid background of the allegations, there can be no two opinion that conspiracy alleged in aforesaid two FIRs are identical and instant FIR is only an exaggerated version of the Jorabagan P.S. FIR against the same accused persons. Therefore, applying the test of sameness it appears that further continuance of the instant proceeding will lead to a case of double jeopardy under Article 20(2) of the Constitution, which prohibits the prosecution of a person twice for the same offence.

19. In this context it is also to be remembered that the instant FIR which is a subsequent FIR has been drafted taking more care to make the offence grievous by adding some extra words including the nature of weapon allegedly used in committing the offence. In ***Haji Iqbal @ Bala through SPOA Vs. State of U.P and others*** reported in **2023 SCC OnLine SC 946** it was held in Paragraph 15 as follows:

Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes

importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

20. Therefore lodging of multiple FIRs over a period of time in the above mentioned background of the circumstances as stated above, attracts the issue of wreaking vengeance out of private and personal grudge in terms of the guideline laid down in ***Bhajanlal Vs. State of Haryana* , (1992 Supp(1) SCC 335).**

21. Supreme Court has consistently held that a second FIR in respect of an offence or different offences committed in the course of the same transaction is not permissible as it violates Article 21 of the Constitution. In ***T.T Antony Vs. State of Kerala and others***, reported in **(2001) 6 SCC 181** the Apex Court held in paragraph 27 as follows:

27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case [(1979) 2 SCC 322 : 1979 SCC (Cri) 479] it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under Section 173(2) CrPC. It would clearly be beyond the purview of Sections 154 and 156 CrPC, nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of fresh investigation based on the second or successive FIRs, not being a counter-case, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction and in respect of which pursuant to the first FIR either investigation is under way or final report under Section 173(2) has been forwarded to the Magistrate, may be a fit case for exercise of power under Section 482 CrPC or under Articles 226/227 of the Constitution.

22. It was further held in T.T Antony's Case (supra) that under the scheme of sections 154, 155, 156, 157, 162, 169, 170 & 173 Cr.P.C. only the earliest or first information in regard to the commission of a cognizable

offence satisfies the requirement of SCC 154 Cr.P.C. Thus there can be no second FIR and consequently there can be no fresh investigation.

23. In view of above **CRR 4336 of 2025** is allowed.

24. The impugned proceeding arising out of Liluah P.S. case no. 668 of 2024 dated 21.12.2024 corresponding to G.R case no. 6529 of 2024 presently pending before Learned Chief Judicial Magistrate, Howrah is hereby quashed. Connected Application, being CRAN 1 of 2025 also stands disposed of.

25. However this order will not prevent the investigating agency for seeking leave of the court in the above mentioned Jorabagan P.S case no. 214 of 2024 dated 20.12.2024 for making further investigation or for filing further report under section 173(8) Cr.P.C before the competent Magistrate, if any such situation arise in future.

Urgent Xerox certified photocopies of this Judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(DR.AJOY KUMAR MUKHERJEE, J.)