**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr.M.P. No.257 of 2026**
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Yashashvi Raj @ Yashshvi Raj @ Yashashvee Raj, aged about 29 years, Son of Dr. Rajesh Kumar, R/o Flat No. RH-21/A, Sector-III, near IIM Hostel, Khelgaon village- Ranchi, P.O. Hotwar, P.S. Khelgaon and District- Ranchi and at present R/o Phonenix Officer Mess near Jalakendra Misamari Cantt. Sonitpur, P.O. & P.S. Misamari, Assam-784506.

… Petitioner.

***Versus***

The State of Jharkhand. … Opposite Party.

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For the Petitioner :Mr. Anil Kumar, Sr. Advocate.
Ms. Chandana Kumari, Advocate.
For the State : Mr. Shweta Singh, Addl.P.P.

**P R E S E N T**
**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

***By the Court:-*** **I.A. No.11902 of 2026**

Heard the parties.

Learned senior counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.

Since the case is taken up today, hence, this interlocutory application is disposed of being infructuous.

**(Anil Kumar Choudhary, J.)**

**Cr.M.P. No.257 of 2026**

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023

with the prayer to quash the entire criminal proceedings in connection with Seraikela (Mahila) P.S. Case No. 01 of 2025 corresponding to G.R. Case No. 604 of 2025 registered for the offences punishable under Sections 69, 352, 351(2) and Section 3(5) of the B.N.S., 2023 and charge-sheet submitted in that case, including the order dated 07.10.2025 whereby and whereunder the learned Chief Judicial Magistrate, Seraikella has taken cognizance of the offences punishable under Sections 69, 352, 351(2) and Section 3(5) of the B.N.S., 2023 in connection with the said case, on the ground that the same is the second First Information Report in respect of which the father of the informant earlier instituted R.I.T. P.S. Case No. 98 of 2024 dated 24.10.2024 whereas this First Information Report has been instituted on 03.01.2025.

3. The allegation made in the R.I.T. P.S. Case No. 98 of 2024 is that the mother of the petitioner approached the informant of that case for solemnisation of marriage of the petitioner with the daughter of the informant of that case after seeing the profile of the daughter of the informant of that case in a WhatsApp group. The marriage was finalised and the petitioner, his mother and his other relatives insisted the informant of that case to deposit money in the account of one Ajay Kumawat whose mobile number has been mentioned in the said F.I.R. and till 21.09.2024, Rs.21,00,000/- was deposited by the informant of that case being R.I.T. P.S. Case No. 98 of 2024 in the account of Ajay Kumawat and in that case also there is

allegation that on 15.06.2024, the petitioner went to the house of the informant of that case and took the daughter of the informant who is the informant of this case along with him for roaming and also asked the informant of the R.I.T. P.S. Case No. 98 of 2024 to tell her father to deposit money in the account of Ajay Kumawat or else, he will break the marriage. In that First Information Report, it is also mentioned that on 02.10.2024, the petitioner said that he will not marry the daughter of the informant of that case and also abused the informant of that case by using filthy language.

4. The learned senior counsel for the petitioner submitted by drawing attention of this Court to supplementary affidavit dated 11.08.2026 that in the said R.I.T. P.S. Case No. 98 of 2024, police after investigation submitted Final Form on 11.06.2026 showing that the case is a civil dispute. It is next submitted that the present first information report has been instituted by the informant alleging therein for the same allegations that the petitioner trapped the informant on the pretext of marriage and established physical relationship, but later on he backtracked from the marriage and tortured the informant mentally and emotionally. It is specifically mentioned therein that on 02.07.2024, the petitioner established physical relationship with the informant in a resort at Jamshedpur. It is next submitted by learned Senior Counsel for the petitioner by relying upon the judgment of the Hon'ble Supreme Court of India in the case of ***Shaileshbhai Govindbhai Makwana versus The State***

***of Maharashtra & Another*** reported in ***2026 LiveLaw (SC) 459*** para 27 of which reads as under:-

> 27- *In our view, if a man is accused of having sexual relationship by making a false promise of marriage and if he is to be held criminally liable, any such physical relationship must be traceable directly to the false promise made and not qualified by other circumstances or consideration. A woman may have reasons to have physical relationship other than the promise for marriage made by the man, such as personal liking for the male partner without insisting upon formal marital ties.*

that the Hon'ble Supreme Court of India in the judgement has reiterated the settled principle of law that if a man is accused of having sexual relationship by making a false promise of marriage and if he is to be held criminally liable, any such physical relationship must be traceable directly to the false promise made and not qualified by other circumstances or consideration.

5. The learned senior counsel for the petitioner further relies upon the judgment of the Hon'ble Supreme Court of India in the case of ***Dr. Dhruvaram Murlidhar Sonar versus State of Maharashtra Others*** reported in ***(2019) 18 SCC 191*** para 23 of which reads as under:-

> *"23.Thus, there is a clear distinction between rape and consensual sex. The court, in such cases, must very carefully examine whether the complainant had actually wanted to marry the victim or had mala fide motives and had made a false promise to this effect only to satisfy his lust, as the latter falls within the ambit of cheating or deception. There is also a distinction between mere breach of a promise and not fulfilling a false promise. If the accused has not made the promise with the sole intention to seduce the prosecutrix to indulge in sexual acts, such an act would not amount to rape. There may be a*

> *case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the accused and not solely on account of the misconception created by accused, or where an accused, on account of circumstances which he could not have foreseen or which were beyond his control, was unable to marry her despite having every intention to do. Such cases must be treated differently. If the complainant had any mala fide intention and if he had clandestine motives, it is a clear case of rape. The acknowledged consensual physical relationship between the parties would not constitute an offence under Section 376 IPC."*

and submits therein the Hon'ble Supreme Court of India held that acknowledged consensual physical relationship between the parties would not constitute an offence under Section 376 of the Indian Penal Code.

6. It is submitted by the learned senior counsel for the petitioner that the petitioner is innocent and admittedly he is holding a respected post of 'Major' in Indian Army and at present his posting is in Assam and repeated cases are being thrust upon him for wrecking vengeance in violation of the settled principle of law. It is next submitted that the it is a settled principle of law that for the same-same occurrence, second first information report is not sustainable in law. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

7. The learned Additional Public Prosecutor vehemently opposes the prayer and submits that there is distinct difference between the two first information reports and there is no allegation of physical relationship having been established between the petitioner and the informant in the earlier F.I.R.. It is then submitted that since the

second First Information Report is for distinct offence, therefore, the second First Information Report is maintainable. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of ***T.T Anthony versus State of Kerala and Others*** reported in ***(2001) 6 SCC 181 para 27*** of which reads as under:-

> *"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." (Emphasis supplied)*

that a case of fresh investigation based on second or successive F.I.R. not being a counter case filed in connection with the same or connected cognizable offence alleged to have been committed in the course of same transaction and in respect of which pursuant to the first F.I.R. either investigation is underway 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 of the Cr.P.C. which corresponds to Section 528 of the B.N.S.S, 2023 or under Article 226/227 of the Constitution of India.

9. It is also a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Amitbhai Anilchandra Shah v. Central Bureau of Investigation and Another** *reported in* ***(2013) 6 SCC 348*** para 58.3 of which reads as under:-

> *"58.3. Even after filing of such a report, if he comes into possession of further information or material, there is no need to register a fresh FIR, he is empowered to make further investigation normally with the leave of the court and where during further investigation, he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports which is evident from sub-section (8) of Section 173 of the Code. Under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 of the Code, only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 of the Code. Thus, there can be no second FIR and, consequently, there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences." (Emphasis supplied)*

that even after the filing of the first F.I.R., if the informant comes into possession of further information or material, there is no need

to register a fresh First Information Report and the police is empowered to make further investigation normally with the leave of the Court and where during further investigation, he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports which is evident from Section 173(8) of the Cr.P.C.

10. It is also a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of ***C. Muniappan & Others versus State of Tamil Nadu*** reported in ***(2010) 9 SCC 567*** wherein the Hon'ble Apex Court has laid down the consequence test according to which, if an offence forming part of the second F.I.R. arises as consequence of the offence alleged in the first F.I.R. and when the offences covered by both the FIRs are same, accordingly, the second F.I.R. will be impermissible in law or in other words, the offences covered in both the FIRs shall have to be treated as the part of the first F.I.R.

11. Now coming to the facts of the case, this Court has no hesitation in holding that no occurrence as alleged has taken place in the first information report of this case bearing Seraikella (Mahila) P.S. Case No. 01 of 2025 which took place after institution of the earlier F.I.R. *i.e.,* R.I.T. P.S. Case No. 98 of 2024; which was instituted on 24.10.2024. So, this Court after going through the materials in the record has no hesitation in holding that the F.I.R. of Seraikella (Mahila) P.S Case No. 01 of 2025 is a subsequent F.I.R. in respect of

selfsame occurrence for which earlier R.I.T. P.S. Case No. 98 of 2024 was registered.

12. Accordingly, the F.I.R. of Seraikella (Mahila) P.S. Case No. 01 of 2025 is hit by provision of Section 181 of the B.N.S.S. 2023. Therefore, this is a fit case where the entire criminal proceedings including the first information report in connection with Seraikella (Mahila) P.S. Case No. 01 of 2025 as well as the order taking cognizance dated 07.10.2025 in connection with the aforesaid case be quashed and set aside against the petitioner.

13. Accordingly, the entire criminal proceedings including the first information report in connection with Seraiekela (Mahila) P.S. Case No. 03 of 2025 as well as the order taking cognizance dated 07.10.2025 in connection with the aforesaid case is quashed and set aside *qua* the petitioner.

14. This Criminal Miscellaneous Petition is allowed.

15. In view of disposal of this Cr.M.P., pending I.A., if any, is disposed of being infructuous.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated /- 03.09.2026
AFR/ Amar

Uploaded on-14/09/2026