



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

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**CRM-M No.9896 of 2019 (O&M)
Decided on:17.03.2026**

Vijay Kumar Manchanda and another

.....Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Sangram S. Saron, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

By virtue of this petition, filed under Section 482 of the Criminal Procedure Code 1973, the extraordinary jurisdiction vested in this Court has been invoked, for quashing of FIR No.231 dated 25.05.2016, Police Station Kotwali District Faridabad. The above mentioned FIR has been registered for the commission of offence punishable under Sections 406, 420, 120-B, 467, 468, 471 of Indian Penal Code and Sections 66C and 66D of the Information Technology Act.

2. In nut-shell the facts emerging from record are that the above mentioned FIR came into being at the instance of 'Azad Singh', hereinafter being referred to as 'complainant' only. In his complaint addressed to SHO Police Station Kotwali Faridabad, it was alleged by the complainant that he was a post graduate looking for a job opportunity, and that he had come across



an advertisement on the internet regarding 1600 vacancies, to be filled by HPL India. According to complainant, he downloaded the application form from the website and submitted it along with a demand draft of Rs.1050/-. It was alleged by the complainant that the above mentioned 'form' was filled by him under the impression that HPL India is the Government entity, connected with Government's 'Make in India Project', but later on he came to know that the above mentioned process was a fraud.

3. It is the case of the prosecution that pursuant to above mentioned complaint formal FIR of this case was lodged and the investigation taken up. According to prosecution on completion of investigation the final report under Section 173 Cr.P.C has been filed in the Court.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the FIR in question is nothing but an abuse of process of law, as the same is hit by the principle of double jeopardy. According to learned counsel for the petitioner with regard to the same advertisement and the same process of selection, another FIR was lodged by 'Central Bureau of Investigation', hereinafter being referred to as 'CBI' only, the FIR No.RC221/2016/E0011/CBI/EO-III/New Delhi. As per learned counsel for the petitioner pursuant to above mentioned FIR when the petitioner was prosecuted he faced trial before the Court and the Court by virtue of order dated 24.10.2016 (Annexure P-5) convicted the petitioner and awarded sentence to him. According to learned counsel for the petitioner once for the same act the petitioner has already been tried and convicted, for the same



offence petitioner cannot be tried again, at the instance of complainant. The learned counsel for the petitioner has further contended that the former trial already stands concluded, and therefore, the FIR involved in the present petition vis-a-vis subsequent proceedings deserve to be quashed. It has also been contended by learned counsel for the petitioner that in the above mentioned FIR lodged by CBI the allegations with regard to cheating of petitioner were also considered.

6. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'The State (NCT) of Delhi Vs. Khimji Bhai Jadeja', Criminal Appeal No.74 of 2026.

7. In the present case, it is relevant to mention here that the copy of charge-sheet filed by the CBI before the Court has been placed on record by the petitioner and a perusal of above mentioned charge-sheet shows that it deals with the issue of victimization of the complainant by the petitioner. With regard to such situation Section 300 of Cr.P.C. is relevant which prescribes as under:-

“(1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might



have been convicted under sub-section (2) thereof.

(2) A person acquitted or convicted of any offence may be afterwards tried, with the consent of the State Government, for any distinct offence for which a separate charge might have been made against him at the former trial under sub-section (1) of section 220.

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

(5) A person discharged under section 258 shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any other Court to which the first-mentioned Court is subordinate. (6) Nothing in this section shall affect the provisions of section 26 of the General Clauses



Act, 1897 (10 of 1897) or of section 188 of this Code.

Explanation.—The dismissal of a complaint, or the discharge of the accused, is not an acquittal for the purposes of this section.”

8. In addition to above it is also relevant to mention here that while dealing with similar situation the Hon’ble Supreme Court of India in the case of ‘T.P.Gopalakrishnan Vs. State of Kerala (2022) 14 SCC 323’, has propounded three conditions:

“Firstly, there must have been previous proceedings before a court of law or a judicial tribunal of competent jurisdiction in which the person must have been prosecuted. The said prosecution must be valid and not null and void or abortive.

Secondly, the conviction or acquittal in the previous proceeding must be in force at the time of the second proceeding in relation to the same offence and same set of facts, for which he was prosecuted and punished in the first proceeding.

Thirdly, the subsequent proceeding must be a fresh proceeding, where he is, for the second time, sought to be prosecuted and punished for the same offence and same set of facts.”

9. The above mentioned principle of law has been followed by the Hon’ble Supreme Court of India in the subsequent judgment in a case titled as



‘P Manikandan Vs. Central Bureau of Investigation and Ors.’, SLP (Crl.) No.8700 of 2023. In the case of ‘State Vs. Nalini (1999) 5 SCC 253’, the Hon’ble Supreme Court of India has observed that the well-known maxim “*nemo debet bis vexari pro eadem causa*” (no person should be twice vexed for the same offence) embodies the well-established common law rule that no one should be put to peril twice for the same offence. The principle which is sought to be incorporated into Section 300 of the Criminal Procedure Code is that no man should be vexed with more than one trial for offences arising out of identical acts committed by him. When an offence has already been the subject of judicial adjudication, whether it ended in acquittal or conviction, it is negation of criminal justice to allow repetition of the adjudication in a separate trial on the same set of facts. Though Article 20(2) of the Constitution of India embodies a protection against a second trial after a conviction of the same offence, the ambit of the clause is narrower than the protection afforded by Section 300 of the Criminal Procedure Code.

10. Taking into consideration the fact that with regard to same set of allegations the petitioner has already been tried, it is hereby held that the second trial of petitioner for the same set of allegations amounts to double jeopardy, which is barred under Section 300 of Cr.P.C. and Article 20 of the Constitution of India.

11. Thus, it is hereby held that this contention of petitioner has got merit, that the FIR and the subsequent proceedings arising therefrom are abuse of process of law and deserves to be quashed. Hence, by accepting the present petition the FIR and all the consequential proceedings arising therefrom are

hereby quashed. The present petition stands **allowed**, accordingly.

12. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

17.03.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No