

CRM-M-17196-2021

-1-

**In the High Court for the States of Punjab and Haryana
at Chandigarh**

131

**CRM-M-17196-2021
Date of Decision:- 27.01.2026**

BUTA SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Sandeep Chopra, Advocate
for the petitioners.

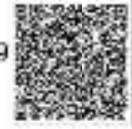
Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. This is an application filed under Section 482 of Cr.P.C. for quashing the F.I.R. No.301, dated 05.12.2020 under Sections 419, 420, 466, 471 and 120-B registered at Police Station Kotwali, Patiala (Annexure P-1).

2. Learned counsel for the petitioners contended regarding the F.I.R. bearing No.81 dated 03.08.2018 registered under Sections 419, 420, 465, 468, 471 and 120-B I.P.C. at Police Station, Lahori Gate, Patiala and in that FIR, challan has been filed and the petitioners are facing trial but later on, on the letter/order dated 23.10.2020, passed in CNR No.PBPT01012519-2016 in CIS No.CRM/785/2016 passed by the learned Additional Sessions Judge, Patiala, on the same set of facts another F.I.R. has been registered . It amounts to double jeopardy.

3. Learned State Counsel fairly admitted that an FIR No.81 dated 03.08.2018 had already been registered qua the petitioners in respect of



CRM-M-17196-2021

-2-

offence of cheating by impersonation and forgery committed by them qua the same incident as alleged in the FIR No.301 dated 05.12.2020.

4. Heard.

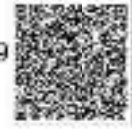
5. Keeping in view the above contention of learned counsel(s) for the parties, this Court finds merit in the present petition. The filing of second FIR is violative of Articles 14, 20 and 21 of the Constitution since the same relate to alleged offence in respect of which an FIR had already been filed and the Court has taken cognizance.

6. The Hon'ble Supreme Court in ***"T.T. Antony Vs. State of Kerala"*** reported as ***2001 (6) SCC 181*** has observed as under:-

"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) Criminal Procedure Code, 1973. It would clearly be beyond the purview of Sections 154 and 156 Criminal Procedure Code, 1973 nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of a 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 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 Criminal Procedure Code, 1973 or under Articles 226/227 of the Constitution.

xxx xxx xxx xxx xxx

The course adopted in this case, namely, the registration of the information as the second FIR in regard to the same incident and making a fresh investigation is not permissible under the scheme of the provisions of the Criminal Procedure Code as pointed out above, therefore, the investigation undertaken and the report thereof cannot but be invalid. We have, therefore, no option except to quash the same leaving it open of the



CRM-M-17196-2021

-3-

investigating agency to see permission in Crime No. 353/94 or 354/94 of the Magistrate to make further investigation, forward further report or reports and thus proceed in accordance with law....”

7. So, taking into consideration the ratio of law as held in aforesaid case when in one incident, an FIR has been registered, then a second FIR with respect to the same incident cannot be registered and in case the same is registered then the High Court while exercising its powers under Section 482 Cr.P.C. would be well within its rights to quash the second FIR. The same principle has been followed by the Hon’ble Supreme Court in the case of *“Amitbhai Anil Chandra Shah V/s Central Bureau of Investigation Anr” reported 2013 (6) SCC 348.*

8. Thus, this Court finds merit in the petition at hand as on the basis of same facts of allegations, two FIRs were got registered which is not permissible in law. Proceedings qua FIR No.81, dated 03.08.2018 shall remain intact but FIR No.301, dated 05.12.2020 which was lodged subsequently in compliance an order of the Court, stands quashed.

27.01.2026

pawan

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No