



**In The Court of Additional District and Sessions Judge /Special Judge  
[Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act] Etah**

Presiding Officer: Ashok Kumr XIII (J. O. Code – UP2392)

**Criminal Revision No. 336 of 2025**

Revisionist:

Kamlesh Kumar, aged about 54 years, Son of Shri Baladin, Resident of Nagaria, Police Station Eka, District Firozabad, Presently residing at Yadav Nagar, Police Station Kotwali Nagar, Etah, District Etah.

*Versus*

Opposite Parties:

1. State of Uttar Pradesh, through District Government Counsel (Criminal), Etah.
2. Shri Mohindra Singh, aged about 50 years, Son of Rajendra Singh.
3. Smt. Maya Devi, aged about 48 years, Wife of Shri Mohindra Singh.
4. Shri Satyam Chauhan, aged about 30 years, Son of Shri Mohindra Singh. Opposite Parties No. 2 to 4 are Residents of Village Chamkari, Police Station Kotwali Dehat, Etah, District Etah.
5. Shri Mohit Son of Shri Munesh Kumar Tomar, Resident of 43, Begampur Khatola (101) Gurgaon, Narsinghpur (Haryana).

**JUDGEMENT**

1. The present criminal revision has been preferred by the Revisionist, Kamlesh Kumar, under the statutory provisions governing the revisional jurisdiction of this Court, assailing the legality, propriety, and correctness of the impugned order dated 01.08.2025 passed by the Ld. Chief Judicial Magistrate, Etah (hereinafter referred to as the "Ld. Trial Court") in Miscellaneous Case No. 1342 of 2025. By virtue of the said impugned order, the Ld. Trial Court dismissed the application preferred by the Revisionist under Section 173(4) of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), wherein the

Revisionist had sought directions for the registration of a First Information Report (FIR) and subsequent investigation against the Opposite Parties No. 2 to 5 for alleged offenses of cheating, forgery, and criminal conspiracy. The core prayer of the Revisionist in the instant proceedings is to set aside the impugned order dated 01.08.2025 and to issue a direction to the Station House Officer, Police Station Kotwali Nagar, Etah, to register the First Information Report on the basis of his complaint and conduct a thorough investigation into the matter.

2. To appreciate the controversy at hand, it is imperative to delve into the factual matrix of the case as unfurled in the pleadings and the application preferred by the Revisionist before the Ld. Trial Court. The Revisionist contends that he had purchased a parcel of land from the Opposite Party No. 2, Mohindra Singh, in the year 2013 through a registered sale deed. As this transaction was completed without any fraudulent impediments, a relationship of trust and regular social acquaintance developed between the Revisionist and Opposite Party No. 2, including his family members. It is asserted that in September 2021, at around 5:00 PM, Opposite Party No. 2, along with his wife, Opposite Party No. 3 Maya Devi, visited the residence of one Rajkumari who is the Revisionist's neighbor. The Revisionist was coincidentally present at Rajkumari's house at that juncture. During this meeting, Opposite Parties No. 2 and 3 represented that a parcel of land, adjacent to the land purchased by the Revisionist and Rajkumari in 2013, belonged to Mohindra Singh's aunt, Smt. Nirmala Devi. They further represented that since Smt. Nirmala Devi was childless and resided elsewhere, she intended to alienate the said property. Acting upon this representation, the Revisionist and Rajkumari expressed their interest and requested a direct meeting with the vendor.
3. The narrative further state that on the subsequent day, the Revisionist and Rajkumari visited the residence of Opposite Party No. 2 at Village Chamkari. There, they were introduced to a woman whom the Opposite Parties deliberately and deceitfully identified as Smt. Nirmala Devi. Relying on the prior relationship of trust, the Revisionist and Rajkumari negotiated the terms of the sale independently for separate portions of the land. It is alleged that on 08.03.2022, the impostor portraying herself as Nirmala Devi executed two separate registered sale deeds in favor of the Revisionist and Rajkumari. The Revisionist, as sale consideration, handed over three cheques drawn on Bank of India amounting to Rs. 27,000,000/- (Rupees Twenty-Seven Lakhs) to the alleged Nirmala Devi, the details of which were duly incorporated in the registered sale deed. However,

these cheques were never presented for encashment. Upon inquiry, the imposter, in active connivance with Opposite Parties No. 2 and 3, deceitfully claimed that she did not operate a bank account and requested the consideration amount to be remitted in cash or transferred to the accounts of Opposite Parties No. 2 and 3. Believing this version, the Revisionist alleges to have paid Rs. 9,50,000/- (Rupees Nine Lakhs Fifty Thousand) in cash in the presence of witnesses Harpal and Surjit. Furthermore, on 11.08.2022, the Revisionist transferred Rs. 9,00,000/- (Rupees Nine Lakhs) each into the respective bank accounts of Opposite Party No. 2 and Opposite Party No. 3. Consequently, the uncashed cheques were returned to the Revisionist.

4. The edifice of the alleged fraud crumbled when the Revisionist and Rajkumari commenced excavation work for laying foundations on the purchased plots. Local residents informed them that the real Smt. Nirmala Devi was an elderly woman residing in Delhi who had not visited the village for years. Alarmed by this revelation, the Revisionist and Rajkumari procured the Delhi address of the real Smt. Nirmala Devi, wife of Jai Singh, and visited her. The real Smt. Nirmala Devi unequivocally denied executing any sale deed. Upon being shown the photograph affixed on the registry, she identified the woman as a frequent visitor to the house of Opposite Party No. 2. Realizing that they had been subjected to a meticulously orchestrated scam, the Revisionist and Rajkumari confronted Opposite Party No. 2, demanding the restitution of their funds. The Opposite Party No. 2 categorically refused, allegedly urging them to take forcible possession of the land. Refusing to partake in an illegality, the Revisionist and Rajkumari subsequently executed a cancellation/return deed in favor of the real Smt. Nirmala Devi at their own expense.
5. Seeking legal recourse, an attempt was made to register an FIR at Police Station Kotwali Nagar, Etah on 25.07.2023. However, the police authorities only registered the First Information Report lodged by Smt. Rajkumari, which culminated in Crime No. 0582 of 2023 under Sections 420, 467, 468, 471, and 120-B of the Indian Penal Code (IPC), against the Opposite Parties. In this FIR, the Revisionist was merely cited as a prosecution witness. Aggrieved by the non-registration of his separate and distinct FIR, despite having suffered an independent financial loss arising from a separate sale deed, the Revisionist approached the Senior Superintendent of Police, Etah on 19.05.2025, but to no

avail. Consequently, he invoked the jurisdiction of the Ld. Trial Court under Section 173(4) of the BNSS.

6. The Ld. Trial Court, vide the impugned order dated 01.08.2025, called for a report from the concerned Police Station. Upon perusal of the police report, the Ld. Trial Court observed that Crime No. 0582/2023 was already registered concerning the same factual occurrence, an investigation had been concluded, and Charge-sheet No. 9/12/2023 had been submitted, which is presently sub-judice before the competent court. Relying upon the jurisprudential principles enunciated by the Hon'ble Supreme Court of India in the case of ***Babubhai v. State of Gujarat & Others [(2010) 12 SCC 254]*** and connected appeals, the Ld. Trial Court held that two separate First Information Reports cannot be registered legally in respect of the exact same incident or sequence of events. The Ld. Trial Court opined that the term "First Information" inherently denotes the earliest information regarding a cognizable offense, and since an FIR encompassing the entire transaction was already in existence, a second FIR at the behest of the Revisionist was not legally maintainable. It further noted that the Revisionist was at liberty to depose as a witness in the pending trial and present any additional facts or evidence before the Investigating Officer. Based on this reasoning, the application under Section 173(4) BNSS was dismissed.
7. Assailing the aforesaid impugned order, the Revisionist has enumerated several grounds in the present revision petition. The primary contention advanced is that the Ld. Trial Court has committed a manifest error of law and fact by failing to appreciate the distinct nature of the transactions. It is vehemently argued that while the modus operandi and the accused persons might be identical, the offenses against the Revisionist and Rajkumari are entirely separate. There are two distinct registered sale deeds, executed in favor of two distinct purchasers, involving two distinct parcels of property, and supported by two completely distinct flows of financial consideration. The Revisionist suffered an independent pecuniary loss of Rs. 27,50,000/-, which is severable from the loss suffered by Rajkumari.
8. The Revisionist further contends that the Ld. Trial Court mechanically applied the ratio of the Hon'ble Supreme Court without analyzing whether the facts of the present case satisfy the "sameness test." It is asserted that a single FIR (Crime No. 0582/2023) launched by Rajkumari pertains to the forgery and cheating committed against her specifically. The eventual conclusion of that trial, even if it

results in the conviction of the Opposite Parties, would legally and procedurally be restricted to the charges framed regarding Rajkumari's defrauded amount. The trial court adjudicating Crime No. 0582/2023 would have no jurisdictional competence to order compensation or restitution for the financial loss suffered by the Revisionist under Section 357 of the CrPC/corresponding BNSS provision, because the Revisionist is merely a witness and not the substantive complainant/victim of the specific charges framed in that Charge-sheet. Therefore, the Revisionist argues that the impugned order violates the principles of natural justice by leaving him effectively remediless concerning his substantial financial deprivation.

9. Per contra, the Ld. Advocate for Respondent and Ld. ADGC (Criminal) appearing on behalf of the State of Uttar Pradesh, robustly defended the impugned order. It was argued that the Ld. Trial Court has exercised its judicial discretion impeccably and in strict adherence to the settled principles of criminal jurisprudence. It is submitted that the core conspiracy, the alleged inducement, the introduction of the fictitious vendor, and the execution of the forged documents were inextricably linked in time, space, and design, forming part of a single, continuous, and unified criminal transaction. Allowing the registration of a second FIR based on the same foundational facts would result in an overlapping investigation, potential abuse of the process of law, and a violation of the constitutional protection against double jeopardy and the principles enshrined to prevent multiplicity of proceedings. It was further contended that the detailed FIR No. 0582/2023, the contents of which have been placed on record, explicitly mentions the presence of the Revisionist, his participation in the meetings, and the specific financial transactions undertaken by him. Since IO has already taken cognizance of the entire fraudulent enterprise, the Revisionist's grievance is adequately encompassed within the ongoing prosecution, where he is a pivotal prosecution witness.

10. Having heard the comprehensive arguments advanced by the parties and upon a meticulous examination of the Ld. Trial Court's record, the impugned order, and the documents annexed, the sole issue for the determination in this revision is:

*Whether the Ld. Trial Court committed any jurisdictional error, patent illegality, or perversity in dismissing the Revisionist's application under Section 173(4) of the BNSS by holding that a second FIR is barred under the prevailing legal*

*paradigm, given that another FIR in Crime No. 0582/2023 is already registered and charge-sheeted concerning the broader fraudulent transaction?*

11. To adjudicate this issue, it is strictly necessary to examine the contours and limitations of the Revisional Jurisdiction vested in this Court. It is a well-entrenched principle of law that the Revisional Court is not an appellate forum. The jurisdiction under the BNSS akin to Section 397/401 of the CrPC is supervisory in nature. Its primary objective is to satisfy the Court as to the correctness, legality, or propriety of any finding, sentence, or order, recorded or passed, and as to the regularity of any proceedings of an inferior court. The Revisional Court must refrain from substituting its own subjective appreciation of evidence or its own discretionary perspective for that of the Ld. Magistrate, unless the impugned order is demonstrably perverse, suffers from a gross non-application of judicial mind, or constitutes a grave miscarriage of justice.
12. The pivot of the Ld. Trial Court's reasoning is the legal doctrine prohibiting the registration of a second FIR for the same incident, relying heavily on the Hon'ble Supreme Court's pronouncement in the ***Babubhai case***. The law regarding the registration of a second FIR has been meticulously sculpted by the Hon'ble Apex Court through a catena of judgments, beginning notably with ***T.T. Antony v. State of Kerala [(2001) 6 SCC 181]***. The core principle established is that there can be no second FIR and consequently no fresh investigation on receipt of every subsequent information in respect of the same cognizable offense or the same occurrence or incident giving rise to one or more cognizable offenses.
13. However, this rule is not absolute. The Hon'ble Supreme Court, in subsequent judgments such as ***Upkar Singh v. Ved Prakash [(2004) 13 SCC 292]*** and ***Awadesh Kumar Jha v. State of Bihar [(2016) 3 SCC 8]***, clarified the exception to this rule. The bar against a second FIR applies strictly when the subsequent information relates to the *same incident* forming part of the *same transaction*. To determine whether two informations relate to the same transaction, the courts deploy the "sameness test" or the "test of consequence." In ***Babubhai v. State of Gujarat (supra)***, the Supreme Court unequivocally held that if the two incidents are absolutely identical or if the offenses alleged in the second FIR are merely a consequence or an offshoot of the offenses alleged in the first FIR, the second FIR is impermissible. Conversely, if the incidents are separate and distinct, or if they represent two distinct transactions occurring at different times, or if the core

allegations constitute entirely separate offenses not forming part of the same transaction, a second FIR is maintainable.

14. Applying the aforementioned legal touchstone to the granular facts of the present case, this Court must analyze whether the fraud perpetrated upon the Revisionist and Rajkumari constitutes a single unified transaction or two distinct, severable offenses. The narrative undeniably reveals a commonality of intention, a shared modus operandi, identical accused persons, and a synchronized timeline of inducement. Both the Revisionist and Rajkumari were collectively approached; they jointly met the impostor Smt. Nirmala Devi; the representations regarding the title of the land were made to them concurrently; and crucially, both the forged sale deeds were executed on the exact same date, i.e., 08.03.2022, before the same registering authority.
15. Furthermore, a bare perusal of the FIR registered by Rajkumari in Case Crime No. - 0582/2023, reveals an astonishingly comprehensive narrative. The informant Rajkumari has not only narrated her own victimization but has explicitly detailed the presence and involvement of the Revisionist. The FIR categorically mentions that on the day of the initial inducement, the Revisionist, Kamlesh Kumar, was present. It further documents the collective visit to Chamkari. Most significantly, Rajkumari's FIR explicitly chronicles the financial transactions undertaken by the Revisionist, noting that Kamlesh Kumar gave rupees to the accused persons. The Investigating Officer, while investigating Crime No. 0582/2023, was thus fully seized of the entirety of the fraudulent enterprise, encompassing the execution of both sale deeds and the duping of both individuals. This is precisely why the Investigating Agency cited the Revisionist as a prime prosecution witness and filed a Charge-sheet No. 9/12/2023 against the Opposite Parties under Sections 420, 467, 468, 471, and 120-B of the IPC.
16. The offense of criminal conspiracy intrinsically binds the individual acts of forgery and cheating into a single, cohesive criminal transaction. The execution of the two sale deeds was the culmination of a singular conspiratorial design formulated by the Opposite Parties. To dissect this unified conspiracy into multiple FIRs based solely on the multiplicity of victims or separate property schedules would contravene the very essence of the "same transaction" doctrine as expounded in *Babubhai's* case. The Ld. Magistrate rightly deduced that allowing a parallel police investigation regarding the same conspiracy, the same impostor, and the same representations would lead to a chaotic duplication of

investigative efforts and the highly undesirable prospect of conflicting judicial findings on the same set of facts.

17. The grievance articulated by the Revisionist regarding his inability to secure financial restitution or independent justice if he remains merely a witness is, while understandable from a layman's perspective, legally misplaced in the context of an application under Section 173(4) BNSS. The rejection of an application seeking police investigation does not extinguish the legal remedies available to an aggrieved party. The law provides alternative and robust mechanisms. If the Revisionist genuinely apprehends that the Charge-sheet filed by the police in Crime No. 0582/2023 is deficient or does not adequately frame charges regarding the specific amount extorted from him, he is not remediless.
18. Therefore, the finding recorded by the Ld. Chief Judicial Magistrate that a second FIR is not legally permissible for the same sequence of events forming a single transaction is legally sound, well-reasoned, and firmly anchored in the binding precedents of the Hon'ble Supreme Court. The Ld. Trial Court has not committed any error of jurisdiction, nor has it bypassed any mandatory provision of law that would warrant interference by this Court in the exercise of its Revisional Jurisdiction. The impugned order cannot be classified as perverse or arbitrary.
19. The grounds urged in the revision petition, while elaborately emphasizing the distinct financial losses, fail to dislodge the fundamental legal reality that the deception, the conspiracy, and the execution of the forged instruments were part of a single continuous event. The Ld. Trial Court's refusal to trigger the coercive machinery of the police for a second time for the same conspiracy is an exercise of sound judicial discretion.
20. In light of the comprehensive analysis undertaken above, the impugned order dated 01.08.2025 passed by the Ld. Chief Judicial Magistrate, Etah, does not suffer from any illegality, impropriety, or jurisdictional defect. The order is legally impregnable and deserves to be upheld. Consequently, the present revision petition is devoid of merit and is liable to be dismissed.

### **ORDER**

The Criminal Revision Petition No. 336 of 2025 preferred by the Revisionist Kamlesh Kumar is hereby **rejected** on merits. The impugned order dated 01.08.2025 passed by the Ld. Chief Judicial Magistrate, Etah in Misc. Case No.

1342 of 2025 (Kamlesh Kumar vs. Mohindra Singh & Others) is hereby affirmed and upheld.

The revision file be consigned to the Record Room after due compliance.

Date: 08.04.2026

(Ashok Kumar XIII)  
Special Judge [SC/ST (PA) Act]  
Etah