

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.349 of 2026

1. Olek Sahu @ Alok Sahu @ Alekh Kumar Sahu, aged about 24 years, S/o Swet Kumar Sahu, R/o. Gopinathpur, P.O. & P.S. Rajnagar, Dist: Seraikella-Kharsawan, Jharkhand
2. Jagdish Hansdah @ Jagdish Hansda, aged about 50 years, S/o Late Bhim Hansda, R/o Dandu, P.O. & P.S. Rajnagar, Dist. Seraikella-Kharsawan, Jharkhand.
3. Suru Baske @ Suru Manjhi, aged about 65 years, S/o Selai Baske, R/o Bonga Dandu, P.O. & P.S. Rajnagar, Dist: Seraikella- Kharsawan, Jharkhand.
4. Laxman Kumar Jyotishi @ Laxman Jyotishi @ Laxuman Jyotishi, aged about 32 years, S/o Sanat Jyotishi, R/o Kamalpur, P.O. & P.S. Rajnagar, Dist: Seraikella- Kharsawan, Jharkhand.
5. Prashant Jyotishi, aged about 71 years, S/o Late Sudhir Chandra Jyotishi, R/o Kamalpur, P.O. & P.S. Rajnagar, Dist: Seraikella- Kharsawan, Jharkhand.
6. Sanlal Pradhan @ Shyamlal Pradhan, aged about 45 years, S/o Late Doma Pradhan, R/o Maheshkudar, P.O. & P.S. Rajnagar, Dist: Seraikella- Kharsawan, Jharkhand.
7. Ajay Kumar Jyotishi @ Ajay Jyotishi, aged about 39 years, S/o Kaluram Jyotishi, R/o Kamalpur, P.O. & P.S. Rajnagar, Dist: Seraikella- Kharsawan, Jharkhand.

... Petitioners

Versus

The State of Jharkhand ... Opposite Party

For the Petitioners : Mr. Abhishek Kumar Dubey, Advocate
For the State : Mr. Subodh Kumar Dubey, Addl.P.P.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceeding including the orders dated 07.11.2019 and 08.08.2025 passed by the learned S.D.J.M., Seraikella in connection with Rajnagar P.S. Case No.30 of 2017 corresponding to G.R. Case No.507 of 2017(S), and S.T. Case No.89 of 2017, whereby and where under the learned S.D.J.M., Seraikella found *prima facie* case in respect of the offences punishable under Section 147, 148, 149, 341, 323, 325, 302, 353, 427, 504, 506, 435, 333 of the Indian Penal Code and committed the case to the court of learned Sessions Judge, Seraikella, which has been registered as S.T. Case No.153 of 2025 after commitment.

3. The brief fact of the case is that on 18.05.2017, the villagers of village Sobhapur, Kamalpur, Daandu, Gopinathpur etc. assembled in the village Sobhapur and assaulted Murtaza Ansari who used to hide the child lifters in his house by giving shelter to them. Police along with the Circle Officer as well as the Block Development Officer reached the place of occurrence. The villagers used criminal force by deterring the informant as well as the Circle Officer in discharging their duties by stopping their vehicle on the way to the said village and torched the said vehicle, causing injuries to 2 to 3 constables. The victim could be rescued and he was taken to hospital after more police force arrived but the victim died. On the basis of the self-same occurrence, firstly, on the written report of the Sub-Inspector, Rajnagar P.S. Case No.29 of 2017 was registered and police took up investigation of the case and submitted charge-sheet. The accused persons faced trial but some

of the accused persons were convicted and others were acquitted by the learned Additional Sessions Judge-I, Seraikella-Kharsawan in Sessions Trial No.86 of 2017 dated 16.07.2018.

4. Learned counsel for the petitioners relies upon the judgement of the Hon'ble Supreme Court of India in the case of **T.T. Antony vs. State of Kerela & Ors.** reported in **(2001) 6 SCC 181**, paragraph Nos. 25 and 27 of which read as under:-

"25. Where the police transgresses its statutory power of investigation the High Court under Section 482 CrPC or Articles 226/227 of the Constitution and this Court in an appropriate case can interdict the investigation to prevent abuse of the process of the court or otherwise to secure the ends of justice.

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 subsection (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)

and submits that therein the Hon'ble Supreme Court of India has held that 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 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 of the Code of Criminal Procedure or under Articles 226/227 of the Constitution.

5. Learned counsel for the petitioners next relies upon the judgment of the Hon'ble Supreme Court of India in the case of **P. Maniknandan vs. Central Bureau of Investigation** reported in **2024 SCC OnLine SC 3808** and submits that therein the Hon'ble Supreme Court of India relied upon its own judgment in the case of **State vs. Nalini & Others** reported in **(1999) 5 SCC 253** para-236 and 237 of which read as under:-

"236. 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.

237. 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. It was held by this Court in Manipur Admn. v. Thokchom Bira Singh [AIR 1965 SC 87:(1965) 1 Cri LJ 120] that "if there is no punishment for the offence as a result of the prosecution, Article 20(2) has no application". While the clause embodies the principle of autrefois convict Section 300 of the Criminal Procedure Code combines both autrefois convict and autrefois acquit."

and reiterated the settled principle of law that the well-established common law rule is that no one should be put to peril twice for the same offence.

6. It is also submitted that the similar prayer of the co-accused, with similar allegations, has already been allowed by this Court vide a common judgment dated 08th September, 2025 passed in Cr.M.P. No.3427 of 2018 with Cr.M.P. No.3437 of 2018 reported in **2025:JHHC:28412**. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

7. Learned Addl.P.P. appearing for the State on the other hand vehemently opposes the prayer of the petitioners made in this Criminal Miscellaneous Petition and submits that there is marked difference between the two FIRs as the informants are different. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

8. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the Hon'ble Supreme Court of India in the case of **Upkar Singh Vs. Ved Prakash & Others** reported in (2004) 13 SCC 292, paragraph No. 17 of which reads and under :-

"17. It is clear from the words emphasised hereinabove in the above quotation, this Court in the case of T.T. Antony v. State of Kerala [(2001) 6 SCC 181 : 2001 SCC (Cri) 1048] has not excluded the registration of a complaint in the nature of a counter-case from the purview of the Code. In our opinion, this Court in that case only held that any further complaint by the same complainant or others against the same accused, subsequent to the registration of a case, is prohibited under the Code because an investigation in this regard would have already started and further complaint against the same accused will amount to an improvement on the facts mentioned in the original complaint, hence will be prohibited under Section 162 of the Code. This prohibition noticed by this Court, in our opinion, does not apply to counter-complaint by the accused in the first complaint or on his behalf alleging a different version of the said incident." (Emphasis supplied)

has held that any further complaint by the same complainant or others against the same accused, subsequent to the registration of a case, is

prohibited under the Code of Criminal Procedure because an investigation in this regard would have already started and further complaint against the same accused will amount to an improvement on the facts mentioned in the original complaint, hence, will be prohibited under the provisions of Section 162 of the Code of Criminal Procedure.

9. Now coming to the facts of the case, the undisputed fact remains that this FIR has been registered in respect of the self-same occurrence in respect of which, Rajnagar P.S. Case No.29 of 2017 was instituted in which after trial, judgment has been pronounced.

10. In view of the principles of law as discussed above, this Court is of the considered view that the continuance of the criminal proceeding will tantamount to abuse of process of the law, this being the second FIR in respect of the self-same occurrence. Hence, it is in the interest of justice that the entire criminal proceeding of Rajnagar P.S. Case No.30 of 2017 corresponding to G.R. Case No.507 of 2017 and S.T. Case No.153 of 2025 which is the second case in respect of the self-same occurrence by which Rajnagar P.S. Case No.29 of 2017 has been instituted including the orders dated 07.11.2019 and 08.08.2025 passed by the learned S.D.J.M., Seraikella in connection with Rajnagar P.S. Case No.30 of 2017 corresponding to G.R. Case No.507 of 2017(S), and S.T. Case No.89 of 2017, whereby and where under the learned S.D.J.M., Seraikella found *prima facie* case under Section 147, 148, 149, 341, 323, 325, 302, 353, 427, 504, 506, 435, 333 of the Indian Penal Code and committed the case to the court of learned Sessions Judge, Seraikella, which has been registered as S.T. Case No.153 of 2025 after commitment, respectively in connection with the said case, be quashed and set aside *qua* the petitioners only.

11. Accordingly, the entire criminal proceeding of Rajnagar P.S. Case No.30 of 2017 corresponding to G.R. Case No.507 of 2017 and S.T. Case No.89 of 2017 including the orders dated 07.11.2019 and 08.08.2025 passed by the learned S.D.J.M., Seraikella in connection with Rajnagar P.S. Case No.30 of 2017 corresponding to G.R. Case No.507 of 2017(S), and S.T. Case No.89 of 2017, whereby and where under the learned S.D.J.M., Seraikella found *prima facie* case under Section 147, 148, 149, 341, 323, 325, 302, 353, 427, 504, 506, 435, 333 of the Indian Penal Code and committed the case to the court of learned Sessions Judge, Seraikella, which has been registered as S.T. Case No.153 of 2025 after commitment, respectively are quashed and set aside *qua* the petitioners named above only.

12. In the result, this Criminal Miscellaneous Petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 13th February, 2026
AFR/ Madhav/-
Uploaded on: 17/02/2026