

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1552 of 2020

Harish Chandra Pandey, aged about 44 years, son of Late
Chakrapani Pandey, resident of N.A.C. Colony, P.O. & P.S. Sindri,
District Dhanbad, Jharkhand. ... Petitioner

Versus

The State of Jharkhand ... Opposite Party

For the Petitioner : Mr. Rahul Kumar, Advocate
For the State : Mr. Arup Kr. Dey, 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 482 of the Code of Criminal Procedure, 1973 with the prayer to quash the First Information Report in connection with Dhanbad P.S. Case No.236 of 2020 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120B of the Indian Penal Code against the petitioner on the ground that the same is the second F.I.R. in respect of which the First Information Report of Dhanbad P.S. Case No.123 of 2019 has been registered.

3. The brief facts of the case is that while the petitioner was posted as Assistant-cum-Store Keeper of Dhanbad Municipal Corporation, Dhanbad, entries were made in the Stock Register without the signature of any person against the entries and the petitioner being the part of larger conspiracy, did the same to facilitate payment of bills relating to

the articles which were not supplied by way of cheating and there is also allegations against the petitioner of committing forgery and using forged documents as genuine and cheating and thereby inducing Dhanbad Municipal Corporation, Dhanbad to pay huge amount of money for the articles which were not supplied; by deceiving Dhanbad Municipal Corporation. On the basis of the written report submitted by the Deputy Commissioner, Dhanbad Municipal Corporation, Dhanbad which was renamed as Deputy Administrator, Dhanbad Municipal Corporation, Dhanbad, Police registered Dhanbad P.S. Case No.236 of 2020 and took up the investigation of the case.

4. Learned counsel for the petitioner draws the attention of this Court towards the F.I.R. of Dhanbad P.S. Case No.123 of 2019, the copy of which has been annexed as Annexure-2 and submits that the said case has been registered against the Urban Reforms Specialist engaged by the Dhanbad Municipal Corporation, Dhanbad who was appointed by the Urban Development Authority and the allegation therein is that Manish Kumar, in criminal conspiracy with the co-accused persons, certified forged bills and mislead the senior officers and fraudulently ensured payment to the contractor, by making payment of Rs.2,65,04,668/- and submits that the F.I.R. has been lodged at the direction of the Department for the irregularities in the supply of computer parts and equipment at Dhanbad Municipal Corporation. It is further submitted that for the self-same occurrence as an F.I.R. has already been registered against Manish Kumar, there is no justification

for lodging a separate F.I.R. against the petitioner as the F.I.R. is lodged for the offence and not the offender. It is further submitted that the petitioner was on leave from 13.10.2016 to 31.11.2016 when the entries were made in the Stock Register.

5. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court of India in the case of **State of Rajasthan vs. Surendra Singh Rathore** reported in **2025 SCC OnLine SC 358** paragraph-9 of which reads as under:-

“9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different.”

wherein the permissibility of the registration of the second F.I.R. has been mentioned.

6. Learned counsel for the petitioner relies upon the judgment of this Court in the case of **Naresh Sharma & Another vs. State of Jharkhand** reported in **2025 SCC OnLine Jhar 1462** wherein in the facts of that case this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Tarak Das Mukherjee vs. State**

of Uttar Pradesh in Criminal Appeal No.1400 of 2022 dated 23.08.2022, paragraph-12 of which reads as under:-

“12. If multiple First Information Reports by the same person against the same accused are permitted to be registered in respect of the same set of facts and allegations, it will result in the accused getting entangled in multiple criminal proceedings for the same alleged offence. Therefore, the registration of such multiple FIRs is nothing but abuse of the process of law. Moreover, the act of the registration of such successive FIRs on the same set of facts and allegations at the instance of the same informant will not stand the scrutiny of Articles 21 and 22 of the Constitution of India. The settled legal position on this behalf has been completely ignored by the High Court.” (Emphasis supplied)

wherein the Hon’ble Supreme Court of India has reiterated the settled principle of law that if multiple First Information Reports by the same person against the same accused are permitted to be registered against the same set of facts and allegations, the same will result in the accused getting entangled in multiple criminal proceedings, for the same alleged offence. Therefore, the registration of such multiple F.I.Rs, is nothing but abuse of the process of law.

7. It is next submitted that in that case, this Court also relied upon the judgment of the Hon’ble Supreme Court of India in the case of **T.T. Antony vs. State of Kerala & Others** reported in (2001) 6 SCC 181 wherein 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 Cr.P.C. or under Articles 226/227 of the Constitution of India.

8. It is next submitted that in that case, this Court also relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Upkar Singh vs. Ved Prakash & Others** reported in (2004) 13 SCC 292 wherein also the Hon'ble Supreme Court of India reiterated the settled principle of law 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 of Criminal Procedure.

9. Learned counsel for the petitioner next relies upon the judgment of this Court in the case of **Deepak Rawani @ Deepak Kr. Rawani & Others vs. The State of Jharkhand** reported in 2025:JHHC:13957 wherein in the facts of that case, this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Krishna Lal Chawla & Others vs. State of Uttar Pradesh & Another** reported in (2021) 5 SCC 435 wherein the Hon'ble Supreme Court of India has reiterated the settled principle of law that the second FIR in respect of an offence or different offences committed in the course of the same transaction, is not only impermissible but it violates Article 21 of the Constitution of

India. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

10. Learned Addl. P.P. appearing for the State vehemently opposes the prayer made by the petitioner in the instant Cr.M.P. and relies upon para-9.3 of the judgment of the Hon'ble Supreme Court of India in the case of **State of Rajasthan vs. Surendra Singh Rathore (supra)**, and submits that the petitioner is not a named accused person of Dhanbad P.S. Case No.123 of 2019 nor the accused of Dhanbad P.S. Case No.123 of 2019 is an accused in this case being Dhanbad P.S. Case No.236 of 2020. It is next submitted that Dhanbad P.S. Case No.123 of 2019 relates to the conspiracy between the named accused person of that case being Manish Kumar and the contractor who was the ultimate beneficiary of the misappropriated amount of that case involved in a criminal conspiracy but later on it has come to light about the set of facts which gave rise to a larger conspiracy involving the petitioner. So, this incident is a separate incident as this is confined to the forged entries made in the Stock Register to facilitate payment of articles which were not supplied. It is next submitted that the contention of the petitioner that the allegation against the petitioner is false or that he was not in duty when the entries in the Stock Register were made; is a defence which he can either put forth before the Investigating Officer or in case charge-sheet is submitted against him and he is asked to stand trial, then during the trial of the case. But certainly, the same is not a ground to quash the entire criminal proceeding at this nascent stage, where the

investigation of the case is going on. It is also submitted that the investigation of the case could not proceed because of the stay order passed in this case, of course, which has recently been vacated. Therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

11. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court has no hesitation in holding that as has been held in para-9 to 9.5 of the judgment of the Hon'ble Supreme Court of India in the case of **State of Rajasthan vs. Surendra Singh Rathore (supra)**, the registration of the second F.I.R. is permissible when the ambit of the second F.I.R. is different even though they may arise from the same set of circumstances. The registration of the second F.I.R. is permissible when it reveals a set of facts to be a part of a larger conspiracy. The second F.I.R. is also permissible when it is brought to light hitherto unknown facts or circumstances. The second F.I.R. is also permissible where the incident is a separate even though offences are similar.

12. Now, coming to the facts of the case; the undisputed fact remains that the informant of the two F.I.Rs are different and the accused persons of the two F.I.Rs are also different. The petitioner is not an accused person of Dhanbad P.S. Case No.123 of 2019. The F.I.R. of Dhanbad P.S. Case No.236 of 2020 was registered only after the larger conspiracy came to light and hitherto unknown facts regarding forgery committed in the Stock Register was brought to light. The ambit of

second F.I.R. is also different as the F.I.R. of Dhanbad P.S. Case No.123 of 2019 is regarding the conspiracy only between the named accused person of that case namely Manish Kumar and the contractor who was the ultimate beneficiary because of the cheating and misappropriation committed by Manish Kumar.

13. Under such circumstances, this Court is of the considered view that as this F.I.R. is covered by the principles where the second F.I.R. is permissible as has been summarized in para-9 to 9.5 of the judgment of the Hon'ble Supreme Court of India in the case of **State of Rajasthan vs. Surendra Singh Rathore (supra)** and the fact that the investigation of this case is at the nascent stage, this Court is of the considered view that this is not a fit case where the First Information Report in connection with Dhanbad P.S. Case No.236 of 2020 be quashed and set aside in exercise of the power conferred upon this Court under Section 482 of the Code of Criminal Procedure, 1973.

14. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 19th of January, 2026
AFR/ Animesh
Uploaded on- 21/01/2026