

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2465 of 2024

1. Manoj Kumar, aged about 37 years, son of late Ram Prakash Verma, resident of Purana Bazar Saray Kohna Budaun, P.O.+P.S. & Dist.-Budaun (U.P.)
2. Geeta Rani, aged about 60 years, wife of late Ram Prakash Verma, resident of Purana Bazar Saray Kohna Budaun, P.O.+P.S. & Dist.-Budaun (U.P.)
3. Minu Verma, aged about 48 years, d/o late Ram Prakash Verma, resident of Purana Bazar Saray Kohna Budaun, P.O.+P.S. & Dist.-Budaun (U.P.)
4. Kanchan Verma @ Kanchan Bala, aged about 52 years, wife of Binod Kumar Rana, r/o 20A, Balaji Puram Tantura Road, P.O.-Township, P.S. & Dist.-Mathura (U.P.)
5. Binod Kumar Rana @ Bind Kumar Rana, aged about 54 years, son of Munna Lal, r/o 20A, Balaji Puram Tantura Road, P.O.-Township, P.S. & Dist.-Mathura (U.P.)

.... Petitioners

Versus

1. The State of Jharkhand
2. Jyoti Kumari, w/o Manoj Kumar, d/o Shiv Lal Prasad Gupta, r/o Sadabhar Chowk, Sirkha Toil, P.O.+P.S.-Namkum, Dist.-Ranchi

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioners	: Mr. Dharmendra Kr. Malityar, Advocate
For the State	: Mr. Vishwanath Roy, Spl. P.P.

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the FIR as well as the entire criminal proceeding in connection with Namkum P.S. Case No. 218 of 2023 involving the offences punishable under Section 498A of Indian Penal Code and under Section 3/4 of D.P. Act pending in the court of learned Judicial Magistrate 1st Class, Ranchi.
3. It is submitted by the learned counsel for the petitioners that the investigation of the case is still going on and charge sheet has not yet been submitted. It is next submitted that the prayer of the petitioner be allowed on the ground that this is the second FIR in respect of the selfsame occurrence, in respect of which Ranchi Mahila P.S. Case No. 06 of 2023 has already been registered on 10.04.2023 and there is no allegation of any offence committed by the petitioners by having been taken place after 10.04.2023 and before registration of this FIR vide Namkum P.S. Case No. 218 of 2023 on 05.05.2023.
4. It is submitted by the learned counsel for the petitioners by relying upon the judgment of this Court in the case of **Nandlal Saw vs. The State of Jharkhand** reported in **2024:JHHC:34532** that therein this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Krishna Lal Chawla & others v. State of Uttar Pradesh & Another** reported in **(2021) 5 SCC 435** paragraph-10 of which reads as under:-

"10. Article 21 of the Constitution guarantees that the right to life and liberty shall not be taken away except by due process of law. Permitting multiple complaints by the same party in respect of the same incident, whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal proceedings. As such, he would be forced to keep

surrendering his liberty and precious time before the police and the courts, as and when required in each case. As this Court has held in Amitbhai Anilchandra Shah [Amitbhai Anilchandra Shah v. CBI, (2013) 6 SCC 348 : (2014) 1 SCC (Cri) 309] , such an absurd and mischievous interpretation of the provisions of the CrPC will not stand the test of constitutional scrutiny, and therefore cannot be adopted by us.” (Emphasis supplied)

wherein, the Hon’ble Supreme Court of India has reiterated the settled principle of law that permitting multiple complaints by the same party in respect of the same incident, whether it involves a cognizable or private complaint offence, will lead to the accused being entangled in numerous criminal proceedings; which is not the mandate of the law.

5. It is next submitted by the learned counsel for the petitioners that in that case, this Court also relied upon the of **Upkar Singh v. Ved Prakash and Others** reported in **(2004) 13 SCC 292** paragraph-17 of which reads as 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)

wherein this Court 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 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 Section 162 of the Code.

6. It is next submitted by the learned counsel for the petitioners that this Court in that case also relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Prem Chand Singh vs. State of Uttar Pradesh & Another** reported in (2020) 3 SCC 54 paragraph-11 of which reads as under:-

"11. It is, therefore, apparent that the subject-matter of both the FIRs is the same general power of attorney dated 2-5-1985 and the sales made by the appellant in pursuance of the same. If the substratum of the two FIRs are common, the mere addition of Sections 467, 468 and 471 in the subsequent FIR cannot be considered as different ingredients to justify the latter FIR as being based on different materials, allegations and grounds." (Emphasis supplied)

and submits that therein the Hon'ble Supreme Court of India has reiterated the settled principle of law that if the substratum of the two F.I.Rs are common, the mere addition of Section 467, 468 and 471 in the subsequent F.I.R cannot be considered as different ingredients to justify the later F.I.R as being based on different materials, allegations and grounds.

7. It is also submitted by the learned counsel for the petitioners that the allegations against the petitioners are all false and multiple FIRs have been lodged by the informant only in order to harass the petitioners. Hence, it is submitted that the prayer as prayed for in this criminal miscellaneous petition be allowed.

8. Learned Special Public Prosecutor on the other hand vehemently opposes the prayer and submits that some additions are there in this FIR after the institution of Ranchi Mahila P.S. Case No. 06 of 2023. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
9. Having heard the submissions made at the Bar and after going through the materials in the record, this Court finds that the perusal of the FIR of Namkum P.S. Case No. 218 of 2023 reveals that there is absolutely no allegation made in the same of any occurrence which took place on or after 10.04.2023 on which date Ranchi Mahila P.S. Case No. 06 of 2023 was registered upon the written report being submitted by the informant at about 14-15 hours hence, this Court has no hesitation in holding that this is the second FIR in respect of the selfsame occurrence by the same informant in respect of which earlier Ranchi Mahila P.S. Case No. 06 of 2023 has been registered. Therefore, the FIR of this case is hit by the provisions of Section 162 of Cr.P.C. and as by no stretch of imagination this FIR can be said to be based on any new discovery made on factual foundation nor this FIR is different version than the earlier FIR lodged in connection with Ranchi Mahila P.S. Case No. 06 of 2023. Hence, in the considered opinion of this Court continuation of this FIR and the entire criminal proceeding in connection with Namkum P.S. Case No. 218 of 2023 will amount to abuse of process of law and this is a fit case where the FIR as well as the entire criminal proceeding in connection with Namkum P.S. Case No. 218 of 2023 be quashed and set aside *qua* the petitioners only.

10. Accordingly, the FIR as well as the entire criminal proceeding in connection with Namkum P.S. Case No. 218 of 2023 is quashed and set aside *qua* the petitioners only.
11. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 14th October, 2025
AFR/Sonu-Gunjan/-

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