



Serial No.03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.29/2026

Date of Order: 23.04.2026

Shri Sofior Rahman

..... Petitioner

Vs.

1. The State of Meghalaya, represented by Commissioner and Secretary, Home Police Department, Meghalaya, Shillong.
2. The Director General of Police, Government of Meghalaya, Shillong. Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioner : Mr. K. Paul, Sr.Adv with
 Mr. S.K. Hassan, Adv
 Mr. S. Thapa, Adv
 Mr. S. Chanda, Adv
 Ms. M. Rahman, Adv
 Ms. S Khatun, Adv

For the Respondents : Mr. N.G. Shylla, Addl.PP with
 Mr. J.N. Rynjah, GA

i) Whether approved for reporting in Yes
 Law journals etc.:

ii) Whether approved for publication
 in press: Yes



JUDGMENT: (Oral)

Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and the aforesaid petition is taken up for final disposal.

3. Mrs. N.G. Shylla, learned Addl.PP waives notice on behalf of respondent Nos.1 and 2.

4. By this petition, the petitioner seeks a direction to the respondent authorities to disclose/furnish details of all pending cases/FIRs filed against the petitioner at various police stations in various districts in the State of Meghalaya; and a direction to the respondent authorities to club all the cases registered against the petitioner in different districts of the State of Meghalaya.

5. According to the learned Senior Counsel appearing for the petitioner, the petitioner a local leader and Ex-MDC of the area had raised his voice for the non-tribal communities on several occasions for participation of non-tribals communities in the



GHADC election through social media platform i.e. 'Facebook' in his name and also through newspaper. It appears that during routine monitoring of social media platform that a Facebook operating under the name of the petitioner was found to be circulating, which according to the complainant was provocative, inflammatory and capable of disturbing public peace and communal harmony. Accordingly, a complaint came to be lodged by one individual on 10th March, 2026 with Araimile Police Station and on the same day, the police registered a case being P.S. Case No.19/2026 with the said Police Station for the alleged offences punishable under Sections 196(a)(b)/351(2) of the BNS, 2023. On 12th March, 2026, another case was registered with the Songsak Police Station at the behest of the Organizing Secretary of the A'chik State Peoples' Front. The said complaint was based on the same Facebook post put up by the petitioner. Accordingly, the Songsak Police Station registered P.S. Case No.07/2026, for the alleged offences punishable under Sections 196(1)/197(1)/352/353 (1)(b)(c)(2) of the BNS, 2023. It appears that thereafter, on 15th March, 2026, a similar complaint was lodged by one Police Officer based on the same Facebook post,



with Tura Police Station and the police registered a case being P.S. Case No.32/2026, for the alleged offences punishable under Sections 192/196(1)/353(1)(2)/57 of the BNS, 2023, read with Section 6A/8B of the MMPO Act and read with Sections 8A/11 of the MMPO (Autonomous District) Act, on the same day.

6. Mr. K. Paul, learned Senior Counsel for the petitioner submitted that three cases registered against the petitioner arise out of the same Facebook post. He submitted that in this view of the matter and having regard to the judgments of the Apex Court in the case of ***T.T. Antony v. State of Kerala & ors*** reported in ***(2001) SCC 181***, which was followed in ***Amish Devgan v. Union of India & ors*** reported in ***(2021) 1 SCC 1***, all the three FIRs will have to be clubbed together, as there cannot be multiple criminal proceedings based on the same cause of action.

7. It is pertinent to note that the Apex Court in ***Arnab Ranjan Goswami v. Union of India*** reported in ***(2020) 14 SCC 12***, has in paragraphs 30 to 36 observed as under:

“30. The fundamental basis on which the jurisdiction of this Court has been invoked under Article 32 is the filing of multiple FIRs and complaints in various States arising from



the same cause of action. The cause of action was founded on a programme which was telecast on R. Bharat on 21-4-2020. FIRs and criminal complaints were lodged against the petitioner in the States of Maharashtra, Rajasthan, Madhya Pradesh, Telangana and Jharkhand besides the Union Territories of Jammu and Kashmir. The law concerning multiple criminal proceedings on the same cause of action has been analysed in a judgment of this Court in T.T. Antony v. State of Kerala ("T.T. Antony"). Speaking for a two-Judge Bench, Syed Shah Mohammed Quadri, J. interpreted the provisions of Section 154 and cognate provisions of the CrPC including Section 173 and observed: (SCC pp. 196-97, para 20)

"20. ... under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 CrPC, only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 CrPC. Thus, there can be no second FIR and consequently there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences. On receipt of information about a cognizable offence or an incident giving rise to a cognizable offence or offences and on entering the FIR in the station house diary, the officer in charge of a police station has to investigate not merely the cognizable offence reported in the FIR but also other connected offences found to have been committed in the course of the same transaction or the same occurrence and file one or more reports as provided in Section 173 CrPC."



31. The Court held that “there can be no second FIR” where the information concerns the same cognizable offence alleged in the first FIR or the same occurrence or incident which gives rise to one or more cognizable offences. This is due to the fact that the investigation covers within its ambit not just the alleged cognizable offence, but also any other connected offences that may be found to have been committed. This Court held that once an FIR postulated by the provisions of Section 154 has been recorded, any information received after the commencement of investigation cannot form the basis of a second FIR as doing so would fail to comport with the scheme of the CrPC. The Court observed: (T.T. Antony case, SCC p. 196, para 18)

“18. ... All other information made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the first information report and entered in the station house diary by the police officer or such other cognizable offences as may come to his notice during the investigation, will be statements falling under Section 162 CrPC. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and the same cannot be in conformity with the scheme of CrPC.”

32. This Court adverted to the need to strike a just balance between the fundamental rights of citizens under Articles 19 and 21 and the expansive power of the police to investigate a cognizable offence. Adverting to precedent, this Court held: (T.T. Antony case, SCC p. 200, para 27)



“27. ... 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)

33. The Court held that barring situations in which a counter-case is filed, a fresh investigation or a second FIR on the basis of the same or connected cognizable offence would constitute an “abuse of the statutory power of investigation” and may be a fit case for the exercise of power either under Section 482 CrPC or Articles 226/227 of the Constitution.

34. The decision in T.T. Antony came up for consideration before a three-Judge Bench in Upkar Singh v. Ved Prakash (“Upkar Singh”). N. Santosh Hegde, J. speaking for this Court adverted to the earlier decisions of this Court in Ram Lal Narang v. State (Delhi Admn.) (“Ram Lal



Narang”), *Kari Choudhary v. Sita Devi* (“*Kari Choudhary*”) and *State of Bihar v. J.A.C. (Saldanha)*). The Court noted that in *Kari Choudhary*, this Court held that: (*Kari Choudhary* case, SCC p. 717, para 11)

“11. ...Of course, the legal position is that there cannot be two FIRs against the same accused in respect of the same case. But when there are rival versions in respect of the same episode, they would normally take the shape of two different FIRs and investigation can be carried on under both of them by the same investigating agency.”

35. In *Saldanha*, this Court had held that the power conferred upon the Magistrate under Section 156(3) does not affect the power of the investigating officer to further investigate the case even after submission of the report under Section 173(8). In *Upkar Singh*, this Court noted that the decision in *Ram Lal Narang* is “in the same line” as the judgments in *Kari Choudhary* and *Saldanha* and held that the decision in *T.T. Antony* does not preclude the filing of a second complaint in regard to the same incident as a counter-complaint nor is this course of action prohibited by the CrPC. In that context, this Court held: (*Upkar Singh* case, SCC p. 299, para 23)

“23. Be that as it may, if the law laid down by this Court in T.T. Antony case is to be accepted as holding that a second complaint in regard to the same incident filed as a counter-complaint is prohibited under the Code then, in our opinion, such conclusion would lead to serious consequences. This will be clear from the hypothetical example given hereinbelow i.e. if in regard to a crime committed by the real accused he takes the



first opportunity to lodge a false complaint and the same is registered by the jurisdictional police then the aggrieved victim of such crime will be precluded from lodging a complaint giving his version of the incident in question, consequently he will be deprived of his legitimate right to bring the real accused to book. This cannot be the purport of the Code.”

36. *These principles were reiterated by a two-Judge Bench of this Court in Babubhai v. State of Gujarat. Dr B.S. Chauhan, J. observed: (SCC p. 265, para 21)*

“21. In such a case the court has to examine the facts and circumstances giving rise to both the FIRs and the test of sameness is to be applied to find out whether both the FIRs relate to the same incident in respect of the same occurrence or are in regard to the incidents which are two or more parts of the same transaction. If the answer is in the affirmative, the second FIR is liable to be quashed. However, in case the contrary is proved, where the version in the second FIR is different and they are in respect of the two different incidents/crimes, the second FIR is permissible. In case in respect of the same incident the accused in the first FIR comes forward with a different version or counterclaim, investigation on both the FIRs has to be conducted.”

This Court held that the relevant enquiry is whether two or more FIRs relate to the same incident or relate to incidents which form part of the same transactions. If the Court were to conclude in the affirmative, the subsequent FIRs are liable to be quashed. However, where the subsequent FIR relates to different incidents or crimes or is in the form of a



counter-claim, investigation may proceed. [See also in this context *Chirra Shivraj v. State of A.P.* and *Chirag M. Pathak v. Dollyben Kantilal Patel*]

8. In *Amish Devgan's* case, the Apex has observed in paragraph 123, as under:

“123. In Arnab Ranjan Goswami case, the proceedings in the subsequent FIRs were quashed as the counsel for the complainants in the said case had joined the petitioner in making the said prayer. However, in the present case, we would like to follow the ratio in T.T. Antony which is to the effect that the subsequent FIRs would be treated as statements under Section 162 of the Criminal Procedure Code. This is clear from the following dictum in T.T. Antony: (SCC pp. 195-96, para 18)

“18. An information given under sub-section (1) of Section 154 CrPC is commonly known as first information report (FIR) though this term is not used in the Code. It is a very important document. And as its nickname suggests it is the earliest and the first information of a cognizable offence recorded by an officer in charge of a police station. It sets the criminal law in motion and marks the commencement of the investigation which ends up with the formation of opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. It is quite possible and it happens not infrequently that more informations than one are given to a police officer in charge of a police station in respect of the same incident involving one or more than one cognizable offences. In such a case he need not enter



every one of them in the station house diary and this is implied in Section 154 CrPC. Apart from a vague information by a phone call or a cryptic telegram, the information first entered in the station house diary, kept for this purpose, by a police officer in charge of a police station is the first information report — FIR postulated by Section 154 CrPC. All other informations made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the first information report and entered in the station house diary by the police officer or such other cognizable offences as may come to his notice during the investigation, will be statements falling under Section 162 CrPC. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and the same cannot be in conformity with the scheme of CrPC. Take a case where an FIR mentions cognizable offence under Section 307 or 326 IPC and the investigating agency learns during the investigation or receives fresh information that the victim died, no fresh FIR under Section 302 IPC need be registered which will be irregular; in such a case alteration of the provision of law in the first FIR is the proper course to adopt. Let us consider a different situation in which H having killed W, his wife, informs the police that she is killed by an unknown person or knowing that W is killed by his mother or sister, H owns up the responsibility and during investigation the truth is detected; it does not require filing of fresh FIR against H — the real offender — who can be arraigned in the report under Section 173(2) or 173(8) CrPC, as the case may be. It is of course permissible for the investigating officer to send



up a report to the Magistrate concerned even earlier that investigation is being directed against the person suspected to be the accused.” (emphasis in original)

9. Learned prosecutor on instructions states that till date, three cases have been registered as against the petitioner. She does not dispute that all the three cases are based on one Facebook post, put up by the petitioner on his Facebook account. Learned prosecutor also does not dispute the legal proposition laid down in *Amish Devgan’s* case (supra) and other cases.

10. In view of the aforesaid, learned prosecutor states that all the three cases which have been registered against the petitioner, will be clubbed together and that the cases registered with Tura Police Station and Songsak Police Station (transferred to the Crime Branch Police Station (CBPS) Western Range, Tura), will be transferred to Araimile Police Station, where the first FIR was registered against the petitioner i.e., P.S. Case No.19/2026. Statement accepted.



11. In view of the aforesaid, nothing survives for further consideration in the petition.

12. Rule is made absolute on the aforesaid terms and the petition stands disposed of.

(Revati Mohite Dere)
Chief Justice

Meghalaya
23.04.2026
"*Lam* DR-PS"