2026:RJ-JP:31325

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1188/2026
CNR: RJHC020174422026 | URN: CRLMP / 2690U / 2026

Shubham Gurjar S/o Shri Guman Singh, Aged About 29 Years, Resident Of Kherwal, Police Station Sadar, District Dausa, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor.
2. Haripal Singh, Police Inspector, SOG, Rajasthan, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Ketan Dhabhai with Mr. Amit Puri, Mr. Nishant Sharma and Ms. Keerti
For Respondent(s)	:	Mr. Rajesh Choudhary, GA-cum-AAG with Mr. N.S. Dhakar, PP Mr. Manvendra Singh Choudhary, Dy.GA, Mr. Vinod Kumar Sharma Mr. Anirudh Singh Mr. Jitendra Navariya, Dy.SP, SOG, Jaipur

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HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Judgment

1. Date of conclusion of arguments : 07.08.2026
2. Date on which the judgment was reserved : 07.08.2026
3. Whether the full judgment or only the operative part is pronounced : Full Judgment
4. Date of pronouncement : 12.08.2026

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REPORTABLE

1. This Criminal Misc. Petition under Section 528 of BNSS has been filed on behalf of the petitioner for quashing the FIR

No.08/2026 dated 04.02.2026, registered at Police Station Special Police Station-SOG, District ATS & SOG for offences punishable under Sections 420, 467, 468, 471 & 120B of IPC and Section 66D of Information Technology (Amendment) Act, 2008.

2. Learned counsel for the petitioner submits that the impugned FIR No.08/2026 is not maintainable in the eyes of law. It is submitted that factually, this is the second FIR on the basis of the same facts and evidence gathered by the SOG during the course of investigation in FIR No.34/2025 registered at the same Police Station for offences punishable under Sections 419, 420, 467, 468, 471 & 120B of IPC & Section 66D of Information Technology (Amendment) Act 2008. Counsel submits that as per the law expounded by the Hon'ble Supreme Court in the case of **T.T. Antony versus State of Kerala & Ors.** reported in **(2001) 6 SCC 181,** a second FIR on the basis of same facts and evidence is not maintainable. It is contended by the learned counsel for the petitioner that there was no occasion for the SOG to register a second FIR for the reason that all these aspects would have been investigated in the earlier FIR No.34/2025 registered at the same Police Station. Counsel further places reliance upon the judgment passed by the Hon'ble Supreme Court in the case of **Amitbhai Anilchandra Shah versus Central Bureau of Investigation & Anr.** reported in **(2013) 6 SCC 348,** wherein it has been observed in para No.58.3 as under:

> "*even after filing of such a report, if he comes into possession of further information or material, there is no need to register a fresh FIR, he is empowered to make further investigation normally with the leave of the court and where during further*

investigation, he collects further evidence, oral or documentary, he is obliged to forward the same with one or more further reports, which is evident from sub-Section (8) of Section 173 of the Code. Under the scheme of the provisions of Sections 154, 155, 156, 157, 162, 169, 170 & 173 of the Code, only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 of the Code. 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."

3. Learned State Counsel opposes the submissions advanced on behalf of the petitioner. He submits that during the course of investigation in the first FIR, it was found that the petitioner was involved in serious offences and he is the kingpin of the alleged offence. It is submitted that he had circulated a number of FMGE Certificates to several persons and during the course of investigation, as many as 73 other persons have been identified, who applied for internship in Rajasthan Medical Council (RMC) on the basis of such fake FMGE Certificates. Counsel submits that investigation in both the FIRs has been completed and charge-sheets have been filed. Insofar as the petitioner is concerned, charge-sheets have been submitted against him as well.

4. I have considered the submissions advanced by both the parties and scanned the material available on record including both the FIRs.

5. The law was authoritatively considered by the Hon'ble Supreme Court in **T.T. Antony (supra),** wherein the Court explained that the scheme of Sections 154, 155, 156, 157, 162,

169, 170 and 173 of Cr.P.C contemplates the registration and investigation of the earliest information relating to the commission of a cognizable offence. Once such information has been registered as an FIR, subsequent information relating to the same cognizable offence or the same occurrence cannot ordinarily give rise to a fresh FIR. The appropriate course, where further material comes to light during investigation, is to proceed in accordance with the mechanism of further investigation and submission of further report contemplated under Section 173(8) of the Cr.P.C.

6. Thereafter, in **Upkar Singh versus Ved Prakash & Ors.,** reported in **(2004) 13 SCC 292,** the Hon'ble Supreme Court clarified the position regarding the second FIR and held as under:-

> *"This Court in the case of Ram Lal Narang vs. State (Delhi Administration) 1979 (2) SCC 322 held :- "Even in regard to a complaint arising out of a complaint on further investigation if it was found that there was a large conspiracy than the one referred to in the previous complaint then a further investigation under the court culminating in another complaint is permissible".*
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> *A perusal of the judgment of this Court in Ram Lal Narang's case (supra) not only shows that even in cases where a prior complaint is already registered, a counter complaint is permissible but it goes further and holds that even in cases where a 1st complaint is registered and investigation initiated, it is possible to file a further complaint by the same complainant based on the material gathered during the course of investigation. Of, this larger proposition of law laid down in Ram Lal Narang's case is not necessary to be relied on by us in the present case. Suffice it to say that the*

discussion in Ram Lal Narang's case is in the same line as found in the judgments in Kari Choudhary and State of Bihar vs. J.A.C. Saldanna (supra). However, it must be noticed that in T.T. Antony's case Ram Lal Narang's case was noticed but the Court did not express any opinion either way.

Be that as it may, if the law laid down by this Court in T.T. Antony's case is to be accepted as holding 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 herein below 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 legitimated right to bring the real accused to books. This cannot be the purport of the Code.

We have already noticed that in the T.T. Antony's case this Court did not consider the legal right of an aggrieved person to file counter claim, on the contrary from the observations found in the said judgment it clearly indicates that filing a counter complaint is permissible."

7. The principle laid down in **T.T. Antony (supra)** was reiterated and further explained by the Hon'ble Supreme Court in **Amitbhai Anilchandra Shah (supra),** wherein the Court emphasized that, upon receipt of further information or material relating to the same offence or occurrence, the investigating

agency is not required to register a fresh FIR and is empowered to conduct further investigation and place the additional material before the competent Court by way of a further report in terms of Section 173(8) of Cr.P.C. Thus, the mere discovery of additional evidence, additional accused persons, or further particulars relating to the same occurrence cannot, by itself, constitute a valid basis for registration of another FIR.

8. A careful perusal of the aforesaid judgments reveal that there is no absolute bar on registration of the subsequent FIR where, during the course of investigation into the earlier FIR, some new facts and circumstances come to light disclosing the existence of a larger conspiracy.

9. The Court is required to consider the nature of the allegations, the circumstances giving rise to the two FIRs, the continuity or otherwise of the alleged criminal acts, and the relationship between the transactions forming the subject matter of the two FIRs. If the subsequent FIR is merely another version, elaboration or continuation of the same occurrence, its registration would ordinarily be impermissible. Conversely, where the subsequent information discloses a distinct occurrence, transaction or criminal design, the mere existence of some common facts or accused persons would not necessarily render the subsequent FIR invalid.

10. The distinction between the commission of the "same offence" and the commission of offences which are merely of a similar nature was considered by the Hon'ble Supreme Court in **State of Jharkhand versus Lalu Prasad Yadav**, reported in

(2017) 8 SCC 1, wherein it was observed that the fact that two FIRs may relate to offences of a similar nature does not necessarily establish that they concern the same offence or the same transaction. The Court must ascertain whether the factual foundation and the criminal acts alleged in the two proceedings are substantially identical. The mere similarity in the nature of the offences is not sufficient to attract the prohibition against a second FIR.

11. In **C. Muniappan & Ors. versus State of Tamil Nadu**, reported in **(2010) 9 SCC 567**, the Hon'ble Supreme Court considered the question in the context of offences arising out of the same occurrence and reiterated that a subsequent FIR cannot be utilised to initiate a fresh investigation into the same transaction. The principle was subsequently considered in **Amitbhai Anilchandra Shah (supra)**, particularly in the context of further investigation under Section 173(8) of the Code. At the same time, the rule against a second FIR does not prohibit the registration of separate FIRs in every case where there is some factual or causal connection between the allegations.

12. The position was further considered in **Babubhai versus State of Gujarat & Ors.,** reported in **(2010) 12 SCC 254,** wherein the Hon'ble Supreme Court observed as under:-

> *"17. ....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 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 counter claim, investigation on both the FIRs has to be conducted."

13. Similarly, in **Surender Kaushik & Ors. versus State of Uttar Pradesh & Ors.,** reported in **(2013) 5 SCC 148,** the Hon'ble Supreme Court considered the scope of the rule against a second FIR and reiterated that the prohibition is directed against successive FIRs concerning the same occurrence and the same set of allegations. A genuine counter-version of the occurrence stands on a different footing and cannot be equated with a subsequent complaint merely seeking to enlarge or improve upon the allegations already registered.

14. The question whether a subsequent FIR can be maintained where the later allegations arise out of a separate transaction has also been considered by the Hon'ble Supreme Court in **Awadesh Kumar Jha & Anr. versus State of Bihar,** reported in **(2016) 3 SCC 8,** wherein the Court recognised that a subsequent occurrence which constitutes a separate transaction cannot necessarily be treated as part of the same investigation merely because it has some connection with the earlier occurrence. The expression "same transaction" cannot be assigned an artificial or technical meaning.

15. Under the scheme of criminal jurisprudence, the registration of a second FIR in respect of the same occurrence or transaction is

ordinarily impermissible. The underlying principle is intended to prevent multiplicity of criminal proceedings, avoid the possibility of conflicting investigations and conclusions, and protect an accused from being subjected to repeated investigation and prosecution in respect of the same offence. The law, however, does not prescribe an absolute or inflexible embargo upon the registration of a subsequent FIR. The permissibility of a second FIR must necessarily depend upon the facts and circumstances of each case, particularly upon the nature and scope of the information subsequently received and whether it relates to the very same transaction or discloses an altogether distinct offence, conspiracy, or a wider criminal design or conspiracy.

16. The Hon'ble Supreme Court has, in a catena of decisions, recognized that a subsequent FIR may be maintainable where the subsequent information brings to light facts, ramifications, or dimensions of criminality which are not merely repetitions or elaborations of the allegations contained in the first FIR. Thus, where the investigation arising out of the first FIR reveals that the incident initially perceived to be an isolated occurrence was, in fact, only one part or manifestation of a larger and more deep-rooted criminal conspiracy, the subsequent disclosure may, in an appropriate case, furnish the basis for a fresh FIR, particularly where the object, scope, participants, or acts constituting the subsequent offence are materially distinct from those forming the subject matter of the first FIR.

17. Broadly stated, a second FIR may be considered legally sustainable in circumstances where:

(i) A larger or distinct conspiracy is disclosed: Where the investigation pursuant to the first FIR reveals that the incident in question was only a part of a larger, continuing, or separately conceived criminal conspiracy, involving a different objective, additional acts, or a wider set of transactions, the subsequent information may disclose an offence which cannot be treated as identical to that forming the subject matter of the first FIR.

(ii) New and substantially different facts come to light: Where subsequent investigation or information reveals facts which were genuinely unknown at the time of registration of the first FIR and which disclose distinct offences, different ramifications, or an altogether different facet of criminality, the subsequent FIR may, depending upon the circumstances, be maintainable. Mere discovery of additional evidence in support of the same offence, however, would ordinarily not justify registration of another FIR.

(iii) The subsequent offence has a different scope and ambit: Where the subsequent information discloses a wider or systemic criminal activity, such as a large-scale conspiracy, organised fraud, systemic corruption, or extensive forgery, which is substantially distinct in its object, design, or execution from the isolated occurrence forming the subject matter of the first FIR, the subsequent FIR cannot be rejected merely because certain accused persons or some factual circumstances are common to both.

18. The expression "second FIR" ordinarily refers to a subsequent FIR registered after information regarding the commission of a cognizable offence has already been furnished to the police and an FIR has been registered under Section 154 of the Cr.P.C. The mere fact that the subsequent FIR concerns some of the same accused persons, or contains certain facts which overlap with the allegations in the earlier FIR, is not by itself determinative. What is of significance is whether the two FIRs relate to the same incident or transaction and constitute the same offence, or whether the subsequent FIR brings before the investigating agency an offence or criminal design which is distinct in its nature, object, scope, or consequences.

19. The question, therefore, is not to be answered merely by comparing the names of the accused or by identifying some common factual elements. The Court is required to examine the substance of the allegations, the nature of the transactions, the continuity or otherwise of the criminal acts, the object sought to be achieved, and the scope and ambit of the two sets of allegations. If the subsequent FIR is merely a different version, improved version, or additional account of the very same occurrence, its registration would ordinarily be impermissible. On the other hand, where the subsequent information discloses a distinct transaction or a larger criminal enterprise which could not reasonably be said to form part of the offence already under investigation, a fresh FIR may be legally permissible.

20. The principle emerging from the aforesaid discussion is that the law does not prohibit a subsequent FIR merely because an

earlier FIR exists. The real test is whether the subsequent FIR concerns the same transaction and the same offence, or whether it discloses a distinct criminal transaction or a larger conspiracy having a separate object, purpose, and ambit. The rule against a second FIR is thus a rule against duplication of proceedings in respect of the same occurrence; it is not a device to prevent the criminal justice system from taking cognizance of a genuinely distinct offence or a larger criminal conspiracy merely because some facts or accused persons happen to be common.

21. At the same time, the exception must be applied with caution. The mere discovery of additional evidence, the availability of a more detailed version of the same occurrence, or the introduction of further particulars concerning the same offence cannot be permitted to circumvent the prohibition against multiple FIRs. Otherwise, an accused could be subjected to successive investigations and prosecutions in respect of one and the same transaction, resulting in serious prejudice and abuse of the criminal process. Therefore, the decisive consideration is whether the subsequent FIR represents a distinct cognizable offence or a distinct transaction with a separate factual foundation, and not merely a further development of the case already registered.

22. Consequently, the law relating to a second FIR is one of substance rather than form. The Court must determine, on the facts of each case, whether the subsequent information is merely a continuation, elaboration, or improved version of the first occurrence, or whether it unveils a distinct and substantially different criminal design. Where the latter is established, the

registration of a fresh FIR may be legally sustainable notwithstanding the existence of an earlier FIR.

23. Now, adverting to the facts and circumstances of the present case, this Court finds that the genesis of the first FIR lies in a matrimonial dispute. The said FIR was registered on the basis of a complaint submitted by one Uday Parashar against Piyush Kumar Trivedi, alleging, inter alia, that his sister was married to the said Piyush Kumar Trivedi and that certain matrimonial disputes were subsisting between them. It was further averred in the complaint that his sister had already lodged FIR No.214/2024 against her husband Piyush Kumar Trivedi in connection with the matrimonial discord.

24. In the complaint submitted by Uday Parashar, it was specifically alleged that he subsequently came to know that Piyush Kumar Trivedi had not cleared the Foreign Medical Graduate Examination (FMGE) and, despite the same, had applied online for internship in the Rajasthan Medical Council (RMC) on the strength of an allegedly forged FMGE certificate. Upon preliminary assessment of the allegations and after finding substance therein warranting investigation, FIR No.34/2025 came to be registered for offences punishable under Sections 419, 420, 467, 468, 471 & 120B of IPC & Section 66D of Information Technology (Amendment) Act 2008.

25. It is significant to note that the petitioner, who is before this Court, was not named as an accused in the said FIR. It was during the course of investigation that certain further facts surfaced, indicating that the alleged forged FMGE certificate had been

procured by Piyush Kumar Trivedi through the present petitioner. The investigation further revealed the alleged complicity of two other persons, namely, Devendra Kumar and Bhanaram. It also came to light that Devendra Kumar had also himself applied for internship on the basis of a forged certificate.

26. The investigation, however, did not stop with the aforesaid individual instances. As the investigation progressed, material emerged suggesting that the incident involving Piyush Kumar Trivedi was not an isolated occurrence but was part of a larger and more organised activity. The investigating agency, while attempting to trace the source and extent of the alleged fabrication and distribution of forged FMGE certificates, identified approximately 73 persons who had applied for internship on the basis of such allegedly forged certificates. The investigation, therefore, assumed a wider dimension with the object of unearthing the alleged network or syndicate involved in preparing, procuring and supplying forged certificates to various persons who, despite having completed their MBBS course from foreign medical institutions, had not succeeded in clearing the FMGE. It is in the aforesaid backdrop that the impugned FIR came to be registered in respect of the larger set of allegations.

27. A careful perusal of both the FIRs would undoubtedly disclose that the petitioner is an accused in both the cases and that the offences alleged therein are also common. However, merely because the accused and offences are common, it cannot, by itself, lead to the conclusion that the subsequent FIR has been registered on the same set of facts and is, therefore,

impermissible in law. The substance and foundation of the allegations contained in the two FIRs have to be examined rather than merely comparing the names of the accused or the penal provisions invoked.

28. The first FIR was essentially confined to the alleged use of a forged FMGE certificate by Piyush Kumar Trivedi for the purpose of applying for internship. The FIR itself originated from a complaint made by his brother-in-law, Uday Parashar, in the backdrop of an existing matrimonial dispute between Piyush Kumar Trivedi and his wife. At the stage of registration of the first FIR, there was no allegation of any larger conspiracy, organised network or syndicate involving several persons for preparation and distribution of forged FMGE certificates.

29. In contrast, the subsequent FIR appears to have been registered on the basis of facts which surfaced during the investigation of the first FIR which disclosed a much wider dimension to the alleged criminal activity. The investigation revealed that the preparation and use of forged certificates was allegedly not confined to Piyush Kumar Trivedi but involved a number of persons and that approximately 73 persons had allegedly sought internship on the strength of such forged certificates. The subsequent FIR, therefore, relates to the alleged existence and functioning of a larger network or syndicate engaged in preparing and supplying forged FMGE certificates to persons who had obtained their MBBS degrees from abroad but had failed to qualify the FMGE.

30. Thus, although there may be an overlapping link between the two FIRs and the investigation in the first FIR may have furnished the basis for discovery of the larger conspiracy, such overlapping or subsequent discovery of connected facts would not, in the peculiar facts of the present case, render the second FIR a mere repetition of the first FIR. The test is not whether some facts or accused are common, but whether the subsequent FIR relates to the same occurrence, transaction or set of facts which had already been made the subject matter of the earlier FIR.

31. Having regard to the distinct genesis, scope and factual foundation of the two FIRs, this Court is of the considered opinion that the subsequent FIR cannot be said to be founded upon the very same set of facts which constituted the basis of the first FIR. The first FIR pertained essentially to an individual instance concerning Piyush Kumar Trivedi and arose in the backdrop of a matrimonial dispute, whereas the subsequent FIR pertains to the alleged discovery of a larger and organised network involving several persons and multiple instances of preparation and use of forged FMGE certificates.

32. Consequently, merely because the petitioner figures as an accused in both investigations and penal provisions happen to be common, the same would not be sufficient to hold that the subsequent FIR is legally impermissible. The subsequent FIR, in the facts and circumstances of the present case, has a distinct and wider factual foundation and relates to an alleged larger criminal conspiracy which came to light during the course of investigation. Further, charge-sheet has been filed in both the cases and the

matter would now be decided by the learned Trial Court. This Court, therefore, finds no sufficient ground to hold that FIR No.08/2026 is barred or liable to be quashed merely on the ground of registration of the earlier FIR No.34/2025. The registration of the subsequent FIR, therefore, needs to be examined in the light of the nature, genesis and scope of the allegations which formed the basis of the two separate FIRs. It is also noteworthy here that in both the FIRs, Police has filed the charge-sheet after completion of the investigation and now both the matters are pending before learned trial Court. Now, it will be the matter of appreciation of evidence for the concerned trial Court at the time of trial as to whether the accused has been directly involved in both the cases or not. It is needless to say that inherent powers of the High Court under Section 528 of BNSS (Corresponding to Section 482 of Cr.P.C) should be exercised very sparingly and only when the Court is satisfied that there is an abuse of process of law.

33. In view of the foregoing discussion, the present Cr. Misc. Petition is devoid of merit and the same is, accordingly, dismissed.

34. The stay application and pending applications, if any, also stand dismissed.

35. The observations made herein is only for the disposal of the instant Cr. Misc. Petition and would not prejudice the trial in any manner.

(ANIL KUMAR UPMAN),J

28/GAUTAM JAIN