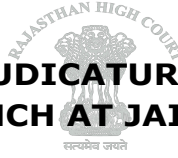




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 3966/2016

Ramjilal S/o Shri Jyankilal, R/o Kumariyawas Vatika, P.S. Chaksi,
District Dausa.

----Accused-Petitioner

Versus

1. State of Rajasthan through PP

----Non-petitioner

2. Ramawtar S/o Shri Puniram, R/o Bejwari, P.S. Nangal
Rajawatan, Dausa.

Complainant-Non-petitioner

For Petitioner(s)	:	Mr. Gajendra Vyas
For Respondent(s)	:	Mr. Amit Kumar Gupta, Public Prosecutor Mr. Ritesh Jain with Dr. Ramdev Arya for complainant

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

Arguments concluded on	::	07/05/2026
Order reserved on	::	07/05/2026
Pronounced on	::	19/06/2026

1. This criminal misc. petition has been filed by the accused-petitioner under Section 482 of Cr.P.C. with the prayer to quash the FIR No. 73/2016, registered at Police Station Nangal Rajawatan, District Dausa for offences under Sections 420, 406, 467, 468, 471, and 120B IPC.

2. Brief facts of the case are that an FIR No. 73/2016 came to be registered at Police Station Nangal Rajawatan, District Dausa on 28.04.2016 for offences punishable under Sections 420, 406, 467, 468, 471 & 120-B IPC. In the FIR, it has been averred



by the informant that he met the petitioner for the first time at the seminar of the company named as Recent Multi Tech Pvt. Ltd. in the month of August 2011 wherein, informant was told that the office of the company is located at Jaipur and the investments made in the said company are doubled in just seven months. As per the contents of the FIR, on 15.09.2011, the informant made five investments amounting Rs.4,40,000/- in the said company for which separate promissory notes were prepared on the stamp of Rs.10/- which were signed by the accused-petitioner as the company's Director. It has been stated in the FIR that the informant has also made two subsequent investments of Rs. 10,000/- each on 19.10.2011. It has been further alleged in the FIR that the wife of the informant, Bhagwati Devi, also made investment of Rs.2,00,000/- on 19.10.2011 and Rs.2,50,000/- on 31.10.2011, following which, many people from the informant's village also made investments in the said company, however, no return was provided to them even after seven months.

3. Learned counsel for the accused-petitioner has submitted that an FIR No.105/2012 was lodged by Mannaram S/o Ramsahay on 07.05.2012 in the same Police Station where the present FIR has been registered and in the said previous FIR No.105/2012, the statement of complainant/non-petitioner had also been recorded by the Police under Section 161 Cr.P.C., based on which challan was also filed in the same. Thus, on the same set of facts, two FIRs are not maintainable and the petitioner cannot be made an accused twice for the same offence.



4. Per contra, learned Public Prosecutor has submitted that a *prima-facie* case has been established against the accused-petitioner for offences punishable under Sections 420, 406, 467, 468, 471 & 120-B IPC which requires a detailed investigation. Learned Public Prosecutor has also submitted that no investigation has been made while conducting the investigation of FIR No.105/2012 registered at Police Station Nangal Rajawatan, District Dausa as regards the allegations made by the complainant/respondent in the impugned FIR and therefore, it cannot be said that the present FIR is based on same allegations and the facts as were averred in the earlier FIR No.105/2012.

5. Considered the submissions made by learned counsel for the petitioner as well as learned Public Prosecutor and also perused the material made available on record.

6. Earlier an FIR was registered at the behest of one Mannaram as regards fraud or cheating by the present accused-petitioner with him. The statement of the present complainant was recorded by the Police under Section 161 Cr.P.C. while conducting the investigation of FIR No.105/2012 registered at Police Station Nangal Rajawatan, District Dausa. The investigation report has also been submitted by the Police. On perusal of the investigation report of FIR No.105/2012 and so also the allegations made by the complainant/respondent in the impugned FIR No.73/2016 registered at Police Station Nangal Rajawatan, District Dausa, the Court finds that no any investigation has been made or the findings have been given by the Investigating Officer in respect of



the allegations made in the present impugned FIR while submitting the closure report of FIR No.105/2012.

7. If from perusal of the contents of FIR some cognizable offence *prima-facie* made out so as to prosecute the accused persons then certainly, the accused has to face the trial. From perusal of the contents of FIR, the Court is of opinion that in case the contents of the FIR are taken into consideration and some material evidence is collected during investigation in support of the allegations made in the FIR then the accused-petitioner has to face the prosecution.

8. As per Article 20(2) of the Constitution of India, no person shall be prosecuted and punished for the same offence more than once. In the light of aforesaid provision of Constitution of India, it is well settled in various pronouncements of the Courts that no criminal case can be registered if for the same allegations and the facts earlier a criminal case has already been registered. In the present case, the Court finds that though the allegations in the earlier FIR No.105/2012 wherein, the present complainant was a witness may be similar but are not same as the allegations in the present impugned FIR. In such circumstances, it cannot be said that the accused-petitioner is being prosecuted twice for the same allegations. The allegations in both the FIRs may be similar but they are not same.

9. Learned Public Prosecutor during course of the arguments has also submitted that several other cases of similar nature have been registered against the accused-petitioner by different complainants. Whenever a fraud or cheating is played by



an accused with different person then certainly all those different persons may lodge separate criminal cases as the facts of each case are different though the allegations may be similar i.e. fraud or cheating. Merely because of the allegations of fraud or cheating are similar in each of the case but the complainant and the allegations of fraud or cheating are different in each case than it cannot be said that a second FIR has been registered on the same facts.

10. In view of the discussion made above, the Court finds no merit in the petition so as to exercise inherent jurisdiction. Accordingly, this criminal misc. petition, is hereby, dismissed.

11. In view of the order passed in the main petition, stay application as well as pending application, if any, also stands disposed of.

(GANESH RAM MEENA),J

Ashish Kumar