

2025 LiveLaw (SC) 1148

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

M.M. SUNDRESH; J., SATISH CHANDRA SHARMA; J.

NOVEMBER 18, 2025

CRIMINAL APPEAL NO. 4931 /2025 [@ SLP [CRL.] NO. 2285/2022]

RANIMOL & ORS. versus THE STATE OF KERALA & ANR.

Criminal Procedure Code, 1973 (Cr.P.C.) - Section 200 (Complaint to Magistrate) — Second Complaint for Same Occurrence — Maintainability — Abuse of Process of Law - Held that a second complaint filed by the same informant for the same occurrence by invoking Section 200 of the Cr.P.C. is not maintainable after a detailed investigation has been conducted, a negative (closure) report has been filed qua the appellants, and the informant has not challenged the negative report - Merely adding a new offence (e.g., Section 308 IPC) for the same occurrence does not make the second complaint maintainable against the same accused who were dropped from the earlier investigation - Allowing such a complaint amounts to a gross abuse and misuse of the process of law.

Section 482 (Inherent Powers of High Court) — Quashing of Proceedings — Double Jeopardy - Lodging of Two FIRs/Complaints - Held that the High Court ought to have invoked its jurisdiction under Section 482 of the Cr.P.C. to quash the proceedings initiated by the second private complaint, as the proceedings were vexatious and the issue of double jeopardy would arise, dealing with the liberty of a person - The lodging of two FIRs is not permissible in respect of one and the same incident - The prohibition extends to any further complaint by the same complainant and others against the same accused subsequent to the registration of a case under the Code, for an investigation would have already commenced, and allowing further registration would amount to an improvement of the facts mentioned in the original complaint - Appeal allowed. [Relied on *Surender Kaushik & Ors vs State Of U.P & Ors.* (2013) 5 SCC 148]

[Arising out of impugned final judgment and order dated 04-01-2022 in CRLMC No. 8998/2019 passed by the High Court of Kerala at Ernakulam]

For Petitioner(s) Mr. M Gireesh Kumar, Adv. Mr. Ankur S. Kulkarni, AOR Mr. Sanjay Singh, Adv. Mr. Tarun, Adv.

For Respondent(s) Dr. K.P.Kylasanatha Pillay, Sr. Adv. Mr. A. Venayagam Balan, AOR Mrs. Santhanalakshmi, Adv. Mr. Puneet Thakur, Adv. Mr. N Narasimhamurthy, Adv. Mr. Harshad V. Hameed, AOR Mr. Dileep Poolakkot, Adv. Mrs. Ashly Harshad, Adv. Mr. Mahabir Singh, Adv. Mr. Anshul Saharan, Adv.

ORDER

Leave granted.

This is a case in which the process of law has been grossly abused and misused by the private respondent. A private complaint was filed against the appellants herein and other accused persons after a closure report had already been submitted qua the appellants, resulting in the trial of other accused persons, in relation to the same occurrence, arising out of the same set of facts and circumstances.

The second respondent before us filed a First Information Report against the appellants herein and other accused persons for the offences under Sections 143, 147, 148, 149, 323, 324 and 447 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'). The charge sheet was filed way back in the year 2015. The appellant Nos. 1 to 3 were not included in the report. The Trial Court took cognizance of the negative report *qua*

the aforesaid appellants, and the trial commenced in CC No. 295/2016 qua the remaining accused persons.

The sum and substance of the allegations is that the appellants, along with their husbands, confronted the *de facto* complainant/respondent No.2 in the southern courtyard of his shop and attacked him.

Notwithstanding the failure of the respondent No.2 to file a protest petition *qua* the appellants, against whom the negative report had been filed, he chose to file a private complaint invoking Section 200 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') after a lapse of two and a half years. Challenging the committal proceedings initiated by the Magistrate, the appellants approached the High Court by invoking Section 482 of the Cr.P.C. The same was dismissed on the premise that a new offence has been added by the introduction of Section 308 of the IPC and, therefore, there is no need to allow the same.

We have heard the learned counsel appearing for the appellants and the learned Senior counsel appearing for the respondent.

While learned counsel appearing for the appellant would contend that it is a clear case of abuse of process of law, the learned counsel appearing for respondent No.2, by placing reliance upon the decision of this Court in *Surender Kaushik & Ors vs State Of U.P & Ors.*- (2013) 5 SCC 148, submits that in exceptional cases, a second complaint can be maintained. He further submitted that, the offence charged being different, along with the addition of more accused persons and the failure of the investigating agency to investigate the said offence, there is no need to interfere with the issuance of the process to the appellants herein.

As noted by us earlier, this is nothing but an abuse of the process of law. A detailed investigation has been conducted, and a negative report has been filed. Respondent No.2 has not challenged the said negative report. The occurrence alleged is the same. The appellants were arrayed as accused in the earlier First Information Report, and they were subsequently dropped from the investigation. By merely adding an offence for the same occurrence, and by the same informant, a second complaint through the invocation of Section 200 of the Code is certainly not maintainable.

In *Surender Kaushik & Ors. (supra)* This Court was pleased to hold as under:

"24. From the aforesaid decisions, it is quite luminous that the lodgment of two FIRs is not permissible in respect of one and the same incident. The concept of sameness has been given a restricted meaning. It does not encompass filing of a counter FIR relating to the same or connected cognizable offence. What is prohibited is any further complaint by the same complainant and others against the same accused subsequent to the registration of the case under the Code, for an investigation in that regard would have already commenced and allowing registration of further complaint would amount to an improvement of the facts mentioned in the original complaint. As is further made clear by the three-Judge Bench in *Upkar Singh (supra)*, the prohibition does not cover the allegations made by the accused in the first FIR alleging a different version of the same incident. Thus, rival versions in respect of the same incident do take different shapes, and in that event, the lodgment of two FIRs is permissible.

25. In the case at hand, the appellants lodged the FIR No. 274 of 2012 against four accused persons alleging that they had prepared fake and fraudulent documents. The second FIR came to be registered on the basis of the direction issued by the learned Additional Chief Judicial Magistrate in exercise of power under Section 156(3) of the Code at the instance of another person alleging, inter alia, that he was neither present in the meetings nor had he signed any of the resolutions of the meetings and the accused persons, five in number, including the appellant

No. 1 herein, had fabricated documents and filed the same before the competent authority. FIR No. 442 of 2012 (which gave rise to Crime No. 491 of 2012) was registered because of an order passed by the learned Magistrate. Be it noted, the complaint was filed by another member of the Governing Body of the Society and the allegation was that the accused persons, twelve in number, had entered into a conspiracy and prepared forged documents relating to the meetings held on different dates. There was allegation of fabrication of the signatures of the members and filing of forged documents before the Registrar of Societies with the common intention to grab the property/funds of the Society. If the involvement of the number of accused persons and the nature of the allegations are scrutinized, it becomes crystal clear that every FIR has a different spectrum. The allegations made are distinct and separate. It may be regarded as a counter complaint and cannot be stated that an effort has been made to improve the allegations that find place in the first FIR. It is well-nigh impossible to say that the principle of sameness gets attracted. We are inclined to think so, for if the said principle is made applicable to the case at hand and the investigation is scuttled by quashing the FIRs, the complainants in the other two FIRs would be deprived of justice. The appellants have lodged the FIR making the allegations against certain persons, but that does not debar the other aggrieved persons to move the court for direction of registration of an FIR as there have been other accused persons including the complainant in the first FIR involved in the forgery and fabrication of documents and getting benefits from the statutory authority. In the ultimate eventuate, how the trial would commence and be concluded is up to the concerned court. The appellants or any of the other complainants or the accused persons may move the appropriate court for a trial in one court. That is another aspect altogether. But to say that it is a second FIR relating to the same cause of action and the same incident and there is sameness of occurrence and an attempt has been made to improvise the case is not correct. Hence, we conclude and hold that the submission that the FIR lodged by the fourth respondent is a second FIR and is, therefore, liable to be quashed, does not merit acceptance.”

Though the learned Senior Counsel appearing for respondent No.2 has placed substantial reliance upon the same, the ratio therein is actually in favour of the appellants. The subsequent private complaint has been filed by the same informant, touching upon the same occurrence. Para 25 of the judgment in *Surender Kaushik & Ors. (supra)* clearly distinguishes the facts on the basis of which a distinction has been drawn. In fact, in para 24 quoted above, the law has been succinctly laid down by this Court.

We are neither dealing with a gross case nor a complaint given by a third party making new allegations against other accused persons. The mere fact that the accused persons named in the First Information Report are also arrayed in the second complaint would not make the complaint maintainable. We are dealing with the liberty of a person and, therefore, the question of double jeopardy would arise.

Suffice it is to state that the appellants have made out a case for quashing of the proceedings.

In our considered view, the High Court ought to have invoked its jurisdiction under Section 482 of the Cr.P.C. by quashing the proceedings, which are nothing but vexatious.

In such view of the matter, the impugned order passed by the High Court is set aside. Consequently, the proceedings pending on the file of the Judicial Magistrate, qua the appellants herein, stand quashed.

We make it clear that this order will not have any bearing on the pending trial pertaining to the earlier First Information Report. Accordingly, the appeal stands allowed.

Pending application(s), if any, shall stand disposed of.