



1

WP-43781-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 2nd OF DECEMBER, 2025

WRIT PETITION No. 43781 of 2025

RAHUL MODI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

*Shri Manish Datt - Senior Advocate with Shri Pankaj Dubey - Advocate for
the petitioners.*

Smt. Priyanka Mishra - Govt. Advocate for the respondent-State.
.....

ORDER

The petitioner has approached this Court under Article 226 of the Constitution of India seeking a direction to club, merge and consolidate the various FIRs registered in different cities of Madhya Pradesh against Adarsh Credit Co-operative Society Limited (hereinafter “ACCSL”) and to mandate a single investigation and a unified trial in respect of the alleged offences.

2. Learned counsel for the petitioner submits that ACCSL was initially established and registered as a Co-operative Society under the Rajasthan Co-operative Societies Act with its headquarters at Sirohi, Rajasthan. It is stated that later it was converted into a Multi-State Co-operative Society under the Multi-State Co-operative Societies Act, 2002, thereby enabling expansion of its financial operations across the



country. According to the petitioner, the Society eventually established nearly 800 branches in about 23 States and Union Territories. Large numbers of depositors allegedly invested amounts with the Society, but the deposits were not returned, resulting in several FIRs being registered in different States out of which seven FIRs got registered in different cities of Madhya Pradesh under various penal provisions alleging cheating, misappropriation, criminal breach of trust, conspiracy and other allied offences. The relief sought is for clubbing of all such FIRs registered in the Madhya Pradesh with FIR of Crime No. 563/2019, dated 19.10.2019 registered at Police Station Thatipur, District-Gwalior treating the same as a principle FIR and for directing one consolidated investigation and trial.

3. It is further argued that the issues raised stand concluded by settled legal principles. The Supreme Court in *T.T. Antony v. State of Kerala* {(2001) 6 SCC 181}, *Y.Abraham Ajith and others Versus Inspector of Police, Chennai and another* {(2004) 8 SCC 100}, *Manish Ratan and others Versus State of MP. and another* {(2007) 1 SCC 262}, *Amarendu Jyoti v. State of Chhattisgarh* {(2014) 12 SCC 362}, *Abhishek Singh Chauhan V. Union of India and Others* {2022 SCC Online SC 1936}, and *Ravi Shankar Tiwar @ Ravi and Others Vs. The State of M.P. and Others passed in W.P. No. 09.10.2025* and various subsequent decisions passed by the Hon'ble Apex Court as well this High Court has held that multiple FIRs in respect of the same incident are



impermissible. He fairly submitted that earlier the petitioner has filed W.P. No. 16685/2025 which was dismissed as withdrawn with liberty to file afresh by the petitioner because same became infructuous as the relief claimed was not correct on account of change in circumstances.

4. On the other side, learned counsel for the respondent vehemently opposed the petition submitting the present petition is wholly misconceived and not maintainable, as the petitioner had earlier filed W.P. No. 16685/2025 seeking the very same relief for clubbing and consolidation of FIRs, which was withdrawn by the petitioner as having been rendered infructuous. It is contended that no liberty was granted by this Court to file a fresh petition on the same cause of action and the liberty was confined only to assailing any subsequent order in appropriate proceedings, which the petitioner has failed to demonstrate. Therefore, on the ground of maintainability as well as on merits, the present writ petition deserves to be dismissed.

5. Heard the submissions of both the parties.

6. During the preliminary hearing, it has been brought to the attention of this Court that the petitioner had previously filed a Writ Petition bearing No.16685/2025 seeking the very same reliefs regarding merger/clubbing of FIRs and for a unified investigation and trial. The said writ petition was withdrawn by the petitioner himself on the ground that it had been rendered infructuous, and this Court, vide order dated 28.10.2025 while permitting such withdrawal, granted liberty to the



petitioner only to assail the subsequent orders in appropriate proceedings, if so advised.

7. In the present petition, the petitioner again seeks identical reliefs for consolidation of FIRs across various cities of Madhya Pradesh without pointing out any subsequent order passed by any authority, much less any order which may give rise to a fresh cause of action. The liberty granted by this Court in W.P. No. 16685/2025 vide order dated 28.10.2025 was specifically limited to challenging any subsequent order by resorting to appropriate proceedings. The present writ petition does not challenge any such order nor disclose any new or distinct cause. It is, in substance, a repeat petition for the very same relief.

8. It is well settled that a litigant cannot file successive writ petitions for the same relief merely by withdrawing an earlier petition, unless liberty to institute a fresh petition on the same cause of action is expressly granted. The earlier writ petition having been withdrawn without liberty to re-agitate the same cause, the present petition is clearly barred and amounts to an abuse of the writ jurisdiction of this Court.

9. The liberty granted in Writ Petition No.16685/2025 vide order dated 28.10.2025 was specific and conditional, allowing the petitioner *"to assail the subsequent order in appropriate proceedings."* This specific liberty cannot be construed as a general permission to file a fresh writ petition seeking identical reliefs on the same cause of action. The present petition does not assail any "subsequent order" but rather seeks to re-



agitate the original prayer for clubbing of FIRs and consolidated investigation. The petitioner has not demonstrated how the present petition falls within the ambit of the specific liberty granted.

10. The principle of finality of litigation dictates that parties should not be permitted to repeatedly invoke the extraordinary jurisdiction of the High Court for the same relief, especially when a previous attempt was withdrawn without general liberty to re-file. Such a practice would lead to endless litigation, burden the judicial system, and undermine the sanctity of judicial orders. The petitioner's action, in essence, attempts to circumvent the implications of withdrawing the earlier petition, which would set a dangerous precedent for future litigants.

11. In the case of *Sarguja Transport Service v. S.T.A.T.*, {(1987) 1 SCC 5}, the Apex Court has held that when a writ petition is withdrawn without seeking liberty to file a fresh petition, a second writ petition on the same cause of action is barred. The relevant para is quoted hereinunder:-

9. The point for consideration is whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court under that article. On this point the decision in Daryao case [AIR 1961 SC 1457 : (1962) 1 SCR 574] is of no assistance. But we are of the view that the principle underlying Rule 1 of Order XXIII of the Code should be extended in the interests of administration of justice to cases of withdrawal of writ petition also, not on the ground of res judicata but on the ground of public policy as explained



above. It would also discourage the litigant from indulging in bench-hunting tactics. In any event there is no justifiable reason in such a case to permit a petitioner to invoke the extraordinary jurisdiction of the High Court under Article 226 of the Constitution once again. While the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to res judicata, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission. In the instant case the High Court was right in holding that a fresh writ petition was not maintainable before it in respect of the same subject-matter since the earlier writ petition had been withdrawn without permission to file a fresh petition. We, however, make it clear that whatever we have stated in this order may not be considered as being applicable to a writ petition involving the personal liberty of an individual in which the petitioner prays for the issue of a writ in the nature of habeas corpus or seeks to enforce the fundamental right guaranteed under Article 21 of the Constitution since such a case stands on a different footing altogether. We, however leave this question open.

12. In view of the foregoing analysis, this Court finds that the present Writ Petition is not maintainable. The Petitioner, having withdrawn Writ Petition No. 16685/2025 seeking identical reliefs with a specific and limited liberty, cannot be permitted to file a fresh petition for the same cause of action. The liberty granted was to assail a "subsequent order" and not a general liberty to re-file the same petition. To entertain the present petition would be to countenance an abuse of the process of law and violate the well-established principles governing the maintainability of successive writ petitions.

13. This Court also observes that the petitioner has unnecessarily



invoked the extraordinary writ jurisdiction despite having earlier withdrawn W.P. No.16685/2025 seeking identical reliefs, without any liberty to file a fresh petition on the same cause of action. In the absence of any subsequent order or fresh grounds, the present petition amounts to a clear abuse of the process of Court and has resulted in unwarranted wastage of the Court's precious time, which could have been utilized for adjudication of matters of genuine urgency. Such conduct is required to be strongly discouraged. Accordingly, this Court deems it appropriate to impose costs of ₹5,000/- (Rupees Five Thousand only) upon the petitioner so as to deter the filing of frivolous and repetitive petitions. The petitioner is directed to deposit the cost before the Registry of this High Court within a period of 15 days. The Registry shall thereafter ensure that the said amount is utilized towards the upliftment of the 'Crèche facility' functioning within the premises of the High Court, Jabalpur.

14. Accordingly, the petition is dismissed being not maintainable .

(HIMANSHU JOSHI)
JUDGE