

Smt. Dipali Rani Sutradhar vs The State Of Tripura on 4 May, 2026

TRHC010002572025

2026:THC:558

HIGH COURT OF TRIPURA
AGARTALA
Crl.P.No.07 of 2025

1. Smt. Dipali Rani Sutradhar,
W/O Sri Madhusudhan Sutradhar,
Resident of Barjala, P.S.- West Agartala
P.O.- Barjala, Sub-Division- Sadar,
District- West Tripura, Pin-799002, Age-47.

2. Sri Kaliprasad Sutradhar,
S/O Sri Madhusudhan Sutradhar,
Resident of Barjala, P.S.- West Agartala,
P.O.- Barjala, Sub-Division- Sadar,
District- West Tripura, Pin-799002, Age-25.

3. Sri Madhusudhan Sutradhar,
S/O Sri Dharendra Sutradhar,
Resident of Barjala, P.S.- West Agartala,
P.O.- Barjala, Sub-Division- Sadar,
District- West Tripura, Pin-799002. Age-53 years.

....Petitioner(s).

Versus

1. The State of Tripura,

2. Smt. Aditi Biswas,
D/O- Subhash Ch. Biswas,
Resident of- Barjala, P.S.-West Tripura,
P.O.- Barjala, Sub-Division- Sadar.
District- West Tripura, Pin-799002.

3. Sri Subhash Ch. Biswas
S/O Sri Sachindra Ch. Biswas
Resident of Barjala, Sub Division- Sadar,
District- West Tripura, Pin-799002.

..... Respondents.

For Petitioner(s) : Mr. Anupam Pal, Adv.
For Respondent(s) : Mr. Raju Datta, P.P.,
Mr. Rana Gopal Chakraborty, Adv.
Date of Hearing : 28.04.2026
Date of delivery of
Judgment and Order : 04.05.2026
Whether fit for
Reporting : YES

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HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This petition under Section 482 of Cr.P.C. is filed for quashing /setting aside the proceeding/investigation commenced/initiated against the petitioners in pursuance of the complaint lodged by one Subhash Ch. Biswas to O/C, West Agartala P.S. which has been marked as West Agartala P.S. Case No.2017/WAG/013 registered under Sections 341/325/34 of the Indian Penal Code.

02. Heard Learned Counsel, Mr. A. Pal appearing on behalf of the petitioners and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent and also heard Learned Counsel, Mr. R. G. Chakraborty appearing on behalf of the respondent Nos.2 & 3.

03. In this case, we are to decide whether the FIR lodged by the respondent No.3 on the basis of which West Agartala P.S. case No.13 of 2017 was registered and later on ended in charge-sheet and registered as PRC(WP) 248 of 2017 be quashed or not, in view of the another FIR arising out of the said incident laid by the respondent No.2, on 14.02.2017 Smt. Aditi Biswas on the basis of which West Agartala, Women P.S. case No.10 of 2017 was registered under Section 325/354/34 of IPC and later on culminated into charge-sheet and finally, committed to the Court of Sessions in view of order dated

Agartala, West Tripura, now pending before the Court of Additional Sessions Judge, West Tripura, Agartala, Court No.5 as Special (SC ST) case No.01 of 2019 (PRC WP 180 of 2017).

At the time of hearing, Learned Counsel, Mr. A. Pal drawn the attention of the Court referring Annexure-1, i.e. the FIR laid by one Subhash Ch. Biswas (i.e. the respondent No.3 herein) and submitted that on the basis of the FIR laid by said Subhash Ch. Biswas, West Agartala, P.S. case No.13 of 2017 was registered under Section 341/325/34 of IPC and the same case was ended in charge-sheet and the trial of the said case is almost completed and the case is now pending for hearing of argument and on the alleged day again the daughter of said Subhash Ch. Biswas herein the respondent No.2 laid another FIR to O/C, Agartala Women P.S. suppressing the earlier FIR and on the basis of that West Agartala, Women P.S. case No.10 of 2017 was registered and the same was ended in charge-sheet and now the case is pending for trial before the Court of the Additional Sessions Judge, West Tripura, Agartala, Court No.5 as Special (SC ST) case No.01 of 2019 (PRC WP 180 of 2017).

Learned Counsel further submitted that since both the cases have arisen out of the same incident, so, both the cases cannot be allowed to continue and the same is also not

legally permissible in view of the series of judgments given by the Hon'ble Supreme Court of India. So, Learned Counsel
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urged for quashing the proceeding of the FIR laid by Subhash Ch. Biswas, i.e. the respondent No.3 and to allow the present petitioners-accused to cross-examine the witnesses of the prosecution in the Special (ST SC) case No.1 of 2019. In this regard, reliance was placed upon a judgment of Supreme Court of India in T.T. Antony v. State of Kerala & Ors. reported in (2001) 6 SCC 181, wherein in para Nos.18, 25 and 27, Hon'ble the Apex Court observed as under:

"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

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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.

25. Where the police transgresses its statutory power of investigation the High Court under Section 482 CrPC or Articles 226/227 of the Constitution and this Court in an appropriate case can interdict the investigation to prevent abuse of the process of the court or otherwise to secure the ends of justice.

27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In

Narang case [(1979) 2 SCC 322 : 1979 SCC (Cri) 479] it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, 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."

Referring the same, Learned Counsel drawn the attention of the Court that in view of the observation made by the Hon'ble Supreme Court of India in the aforementioned case, there is no scope to proceed in both the cases since both were

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arose out of the same incident and as such in view of the observation of the Hon'ble Supreme Court, one proceeding needs to be quashed i.e. the second FIR for the sake of justice.

Further reliance was placed upon another judgment reported in

Amitbhai Anilchandra Shah v. Central Bureau of

Investigation & Anr. reported in (2013) 6 SCC 348,

wherein in para Nos.36 and 37, Hon'ble the Apex Court

observed as under:

"Legal aspects as to permissibility/impermissibility of second FIR

36. Now, let us consider the legal aspects raised by the petitioner Amit Shah as well as CBI. The factual details which we have discussed in the earlier paragraphs show that right from the inception of entrustment of investigation to CBI by order dated 12-1-2010 [(2010) 2 SCC 200 : (2010) 2 SCC (Cri) 1006] till filing of the charge-sheet dated 4-9-2012, this Court has also treated the alleged fake encounter of Tulsiram Prajapati to be an outcome of one single conspiracy alleged to have been hatched in November 2005 which ultimately culminated in 2006. In such circumstances, the filing of the second FIR and a fresh charge-sheet for the same is contrary to the provisions of the Code suggesting that the petitioner was not being investigated, prosecuted and tried "in accordance with law".

37. This Court has consistently laid down the law on the issue interpreting the Code, that a second FIR in respect of an offence or different offences committed in the course of the same transaction is not only impermissible but it violates Article 21 of the Constitution. In T.T. Antony [(2001) 6 SCC 181 : 2001 SCC (Cri) 1048] , this Court has categorically held that registration of second FIR (which is not a cross-case) is violative of Article 21 of the Constitution. The following conclusion in paras 19, 20 and 27 of that judgment are relevant which read as under : (SCC pp. 196-97 & 200)

"19. The scheme of CrPC is that an officer in charge of a police station has to commence investigation as provided in Section 156 or 157 CrPC on the basis of entry of the first information report, on coming to know of the commission of a cognizable offence. On completion of investigation and on the basis of the evidence collected, he has to form an opinion under Section 169 or 170 CrPC, as the case may be, and forward his report to the Magistrate concerned under Section 173(2) CrPC. However,

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even after filing such a report, if he comes into possession of further information or material, he need not 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; this is the import of sub-section (8) of Section 173 CrPC.

20. From the above discussion it follows that 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.

27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the court. There cannot be any controversy that sub-section (8) of Section 173 CrPC empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case [Ram Lal Narang v. State (Delhi Admn.), (1979) 2 SCC 322 : 1979 SCC (Cri) 479] it was, however, observed that it would be appropriate to conduct further investigation with the permission of the court. However, 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."

The abovereferred declaration of law by this Court has never been diluted in any subsequent judicial pronouncements even while carving out exceptions."

Referring the same, Learned Counsel submitted that since both the cases arose out of the said incident, so, the subsequent FIR laid by respondent No.3 needs to be quashed and the petitioners be permitted to cross-examine the witnesses of the prosecution in Spl (SC/ST).

03. On the other hand, Learned P.P. submitted that although it is the settled position of law that arising out of the said incident multiple FIRs are not permitted but if the subject matter of each of the FIRs are identical and different in that case there is no scope to quash any of the proceedings. So, according to Learned P.P. the petition filed by the petitioners is not maintainable.

Learned Counsel, Mr. R. G. Chakraborty appearing on the behalf of the respondent Nos.2 & 3 submitted that the FIR laid by respondent No.3 was ended in charge-sheet and the case is at the stage of hearing of argument. It was further submitted by Learned Counsel, Mr. Chakraborty that soon after the incident on the alleged day, the respondent No.3 laid the FIR but due to some unknown reason, the case was registered later on on 14.02.2017 but the FIR laid by the respondent No.2 on 14.02.2017 was separately registered by the O/C of the concerned P.S. which is now pending for trial before the concerned Court of Learned Spl Judge, Court No.5 and the subject matter of the FIR laid by the said respondent No.2 is different and as such there is no scope to presume that both the cases arose out of the same incident. So, the FIR laid by respondent No.3 cannot be quashed. So, according to Learned Counsel, there is no merit in the petition filed by the petitioners and urged for dismissal of the petition filed by the petitioners.

Learned Counsel further submitted that since the subject matters of both the FIRs are identical and different. So, the citation referred by Learned Counsel for the petitioners would not apply in this case.

Now, let us narrate herein below the subject matter of both the FIRs laid by respondent Nos.2 & 3.

The respondent No.3 laid the FIR to O/C, Ramnagar TOP which was forwarded to O/C West Agartala, P.S. and registered as West Agartala, P.S. case No.13/2017 under Section 341/325/34 of IPC on 17.02.2017 and the same was scribed by one Aditi Biswas, although on the body of the FIR the date was given as 14.02.2017 but factually the case was registered on 17.02.2017. So, there is no scope to say that FIR was laid on 14.02.2017. The typed version of the said FIR is mentioned herein below:

To The Officer-in-Charge, Ramnagar TOP West Tripura Subject: Prayer for justice
Complainant: Sri Subhash Chandra Biswas, S/o Sachindra Chanra Biswas, resident of Barjala, P.S. West Agartala, District - West Tripura Accused: 1. Kalipada Sutradhar, s/o Madhusudhan Sutradhar, (2) Dipali Rani Sutradhar, W/o Madhusudhan Sutradhar, S/o Dharendra Chandra Sutradhar, resident of Barjala, P.S. - West Agartala, District - West Tripura.

Sir, Humble prayer is that on 14.02.2017, Tuesday, at around 10.35 am in the morning, while I was returning from school towards home, or the way the below noted accused person assaulted me. At first, on my way home, I saw Kalipada Sutradhar, Son of Sri Madhusudhan Sutradhar and Dipali Rani Sutradhar, Wife of Madhusudhan Sutradhar. I saw them standing in front of the gate, of Sudhangshu Chakraborty. When I crossed them by riding my bicycle then Kalipada Sutradhar and Dipali Rani Sutradhar chased me and Kalipada Sutradhar hit on my head with a wooden stick. Due to this, I got bleeding injury on my head and I fell down on the road from the cycle. Then Madhusudhan Sutradhar, Dipali Rani Sutradhar and Kalipada Sutradhar assaulted me with wooden stick on different parts of my body. In such a situation, number of people of the locality assembled in the place of occurrence and witnessed the incident. One Biswajit Sutradhar, Son of Sri Shashimohan Sutradhar, resident of Barjala, came forward and saved me from their hands and sent me to the road. Thereafter, with the help of my neighbour Sri Rabindra Roy, I went to Ramnagar TOP at first and then as per advice of on-duty police personnel, I went to IGM Hospital for treatment. There I was given the required treatment and then sent to AGMC and GBP Hospital and got admitted to bed no. 16 of Ward no. MS 2. Therefore, you would take appropriate legal action and arrange for the accused person's appropriate punishment and oblige. I belong to Scheduled Caste and therefore the case be registered under SC/ST atrocities prevention Act.

From the said FIR, it transpires that the alleged incident took place on 14.02.2017 at about 10.35 am when the informant, i.e. the respondent No.3 herein was returning back to home from school. Now for the sake of convenience let us reproduce herein below the typed version of the FIR laid by respondent No.2 which is as follows:

To The Officer-in-Charge, Women P.S. Agartala, West Tripura Subject: Prayer for justice Complainant: Aditi Biswas, D/o Sri Subhash Chandra Biswas, resident of Barjala, P.S. West Agartala, District - West Tripura Accused: 1. Kalipada Sutradhar, s/o Si Madhusudhan Sutradhar, (2) Madhusudhan Sutradhar, S/o Dharendra Chandra Sutradhar Sir.

Humble prayer is that on 14.02.2017, Tuesday, at around 10.35 am in the morning. I heard sounds from my home and went to the road. On reaching the road I saw the above named accused persons attacked my father and my father is bleeding from his head. When I went ahead, the accused persons also assaulted me and outraged my modesty. In such a situation, I took my father to Ramnagar TOP at first and then to IGM Hospital and then admitted him to GBP Hospital for better treatment. At present he is undergoing treatment. I was directed to undergo CT scan by IGM Hospital. As my father was bleeding from his head, therefore, I was there with him the whole day. In such a situation, I am praying for justice for the attack on me and outraging of my modesty. It is my humble prayer that as I am a Scheduled Caste therefore, the case be registered under SC/ST atrocities prevention Act.

From the aforesaid FIR, it appears that on the alleged day i.e. on 14.02.2017 in between 10:30 am to 10:45 hours when respondent No.2 was at home that time she heard some sound outside of home and came to road and on arrival to the road she found that the accused persons i.e. the petitioners herein attacked her father for which he sustained bleeding injury and as soon as he came forward that time the accused persons i.e. the petitioners herein assaulted her and outraged her modesty. After that she brought her father to Ramnagar TOP, thereafter to IGM Hospital and then to G.B.P Hospital.

The said FIR was registered first i.e. on 14.02.2017 and the charge-sheet was submitted by I.O. but the FIR of the respondent No.3 was registered on 17.02.2017 although the alleged incident took place on 14.02.2017 and on the body of the FIR the date was mentioned as 14.02.2017. Now as already stated the case which was registered on the basis of FIR laid by respondent No.3 is at the stage of argument and the case which has been registered on the basis of FIR laid by respondent No.3 is at the stage of recording evidence and from the record it appears that four nos. of witnesses have already been produced by the prosecution in this case.

Learned Counsel for the petitioners submitted that the case which was registered on the basis of FIR laid by respondent No.3 be quashed and the petitioners be permitted to cross-examine the prosecution witnesses in that case.

Referring the judgment of T.T. Anotony submitted that in view of the observation of the Hon'ble Supreme Court since both the cases arose out of the same incident, so, the subsequent FIR, i.e. the FIR laid by the respondent No.3 needs to be quashed.

However, Hon'ble Supreme Court of India in Anju Chaudhary v. State of Uttar Pradesh & Anr. reported in (2013) 6 SCC 384, in para Nos.8.3, 14, 15, 25, 26 and 29, observed as under:

"8.3. In law, there cannot be two FIRs registered in relation to the same occurrence or different events or incidents two or more but forming part of the same transaction. The direction to register a second FIR, therefore, is contrary to law and the very spirit of Section 154 of the Code.

14. On the plain construction of the language and scheme of Sections 154, 156 and 190 of the Code, it cannot be construed or suggested that there can be more than one FIR about an occurrence.

However, the opening words of Section 154 suggest that every information relating to commission of a cognizable offence shall be reduced into writing by the officer-in-charge of a police station. This implies that there has to be the first information report about an incident which constitutes a cognizable offence. The purpose of registering an FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report in terms of Section

173(2) of the Code. It will, thus, be appropriate to follow the settled principle that there cannot be two FIRs registered for the same offence. However, where the incident is separate; offences are similar or different, or even where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the FIR recorded first, then a second FIR could be registered. The most important aspect is to examine the inbuilt safeguards provided by the legislature in the very language of Section 154 of the Code. These safeguards can be safely deduced from the principle akin to double jeopardy, rule of fair investigation and further to prevent abuse of power by the investigating authority of the police. Therefore, second FIR for the same incident cannot be registered. Of course, the investigating agency has no determinative right. It is only a right to investigate in accordance with the provisions of the Code. The filing of report upon completion of investigation, either for cancellation or alleging commission of an offence, is a matter which once filed before the court of competent jurisdiction attains a kind of finality as far as police is concerned, may be in a given case, subject to the right of further investigation but wherever the investigation has been completed and a person is found to be prima facie guilty of committing an offence or otherwise, re-examination by the investigating agency on its own should not be permitted merely by registering another FIR with regard to the same offence. If such protection is not given to a suspect, then possibility of abuse of investigating powers by the police cannot be ruled out. It is with this intention in mind that such interpretation should be given to Section 154 of the Code, as it would not only further the object of law but even that of just and fair investigation. More so, in the backdrop of the settled canons of criminal jurisprudence, reinvestigation or de novo investigation is beyond the competence of not only the investigating agency but even that of the learned Magistrate. The courts have taken this view primarily for the reason that it would be opposed to the scheme of the Code and more particularly Section 167(2) of the Code. (Ref. Reeta Nag v. State of W.B. [(2009) 9 SCC 129 : (2009) 3 SCC (Cri) 1051] and Vinay Tyagi v. Irshad Ali [(2013) 5 SCC 762] of the same date.)

15. It has to be examined on the merits of each case whether a subsequently registered FIR is a second FIR about the same incident or offence or is based upon distinct and different facts and whether its scope of inquiry is entirely different or not. It will not be appropriate for the court to lay down one straitjacket formula uniformly applicable to all cases. This will always be a mixed question of law and facts depending upon the merits of a given case.

25. The first information report is a very important document, besides that it sets the machinery of criminal law in motion. It is a very material document on which the entire case of the prosecution is built. Upon registration of FIR, beginning of investigation in a case, collection of evidence during investigation and formation of the final opinion is the sequence which results in filing of a report under Section 173 of the Code. The possibility that more than one piece of information is given to the police officer-in-charge of a police station, in respect of the same incident involving one or more than one cognizable offences, cannot be ruled out. Other materials and information given to or received otherwise by the investigating officer would be statements covered under Section 162 of the Code. The court in order to examine the impact of one or more FIRs has to rationalise the facts and circumstances of each case and then apply the test of "sameness" to find out whether both FIRs relate to the same incident and to the same occurrence, are in regard to incidents which are two or more parts of the same transaction or relate completely to two distinct occurrences. If the answer

falls in the first category, the second FIR may be liable to be quashed. However, in case the contrary is proved, whether the version of the second FIR is different and they are in respect of two different incidents/crimes, the second FIR is permissible, this is the view expressed by this Court in Babubhai v. State of Gujarat [(2010) 12 SCC 254 : (2011) 1 SCC (Cri) 336] . This judgment clearly spells out the distinction between two FIRs relating to the same incident and two FIRs relating to different incidents or occurrences of the same incident, etc.

26. To illustrate such a situation, one can give an example of the same group of people committing theft in a similar manner in different localities falling under different jurisdictions. Even if the incidents were committed in close proximity of time, there could be separate FIRs and institution of even one stating that a number of thefts had been committed, would not debar the registration of another FIR. Similarly, riots may break out because of the same event but in different areas and between different people. The registration of a primary FIR which triggered the riots would not debar registration of subsequent FIRs in different areas. However, to the contra, for the same event and offences against the same people, there cannot be a second FIR. This Court has consistently taken this view and even in Chirra Shivraj v. State of A.P. [(2010) 14 SCC 444 : (2011) 3 SCC (Cri) 757] , the Court took the view that : (SCC p. 448, para 14) "14. ... There cannot be a second FIR in respect of the same offence/event because whenever any further information is received by the investigating agency, it is always in furtherance of the first information report."

From the aforesaid judgment, it appears that there cannot be two FIRs for the same offence. But where the incident is separate or offences are similar or different or even where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the FIR recorded first, then a second FIR could be registered and the same has to be looked into on the merits of each case. Similarly, Hon'ble the Supreme Court in another case State of Rajasthan v.

Surendra Singh Rathore reported in 2025 SCC OnLine SC 358, in para No.9.2, Hon'ble the Apex Court observed as under:

"9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances."

From the aforesaid observation further it appears that even if the ambit of two FIRs are different, but the same arose out of the same set of circumstances in that case also there is scope for registration of second FIR. Hon'ble the Apex Court of India in another case in Criminal App.No. 3831 of 2025 arising out of Special Leave Petition (Crl.) No.11642/2019 laid down certain guidelines/parameters when the power under Section 482 of Cr.P.C. can be invoked/applied:

"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complaint; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal- proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused."

From the aforesaid observation of the Hon'ble Supreme Court of India, it appears under what circumstances Section 482 of Cr.P.C. can be applied.

04. I have perused both the FIRs. One FIR was laid by respondent No.2 and another FIR was laid by respondent No.3.

The story of the respondent No.3 is partially admitted by the respondent No.2 rather she made some more allegations against the petitioners that they have outraged their modesty along with other acts and also I have perused the evidence on record including the evidence on record of the respondent No.3 in the FIR laid by respondent No.2. It appears when the respondent No.3 was returning back to home that time he was detained by the petitioner-accused persons and when they started assaulting him that time on hearing his hue and cry, respondent No.2 appeared, when the further act of alleged outraging of modesty was purportedly committed by the petitioners.

Thus, prima facie it cannot be said that the subject matters of both the FIRs are same and the second FIR shall be quashed. Furthermore, the case which was laid by respondent No.3 is at the stage of argument and the case which has been laid by the respondent No.2 is at the stage of recording of evidence and by this time evidence of few witnesses have been recorded. The petitioner-accused persons did not take any step in this regard earlier. Nor did they approach this Court either for clubbing of both the FIRs or for quashing of any one of the FIRs earlier. So, at this belated stage, when one of the cases is at argument stage, I do not find any scope to consider the petition filed by the present petitioner-accused persons.

Furthermore, at the time of hearing, Learned Counsel for the petitioner-accused persons did not submit anything regarding the complaint/FIR alleged to be filed by one of the petitioner-

accused. So, after hearing both the parties and also after going through the relevant papers, it appears that there is no merit in the petition filed by the petitioner-accused persons.

Accordingly, the same is liable to be dismissed.

As already stated, in the FIR laid by respondent No.3, there was no allegation of outraging of modesty against the petitioner-accused persons but in the FIR laid by respondent No.2 there was allegation of outraging of modesty by the petitioner-accused persons and in the case laid by respondent No.3 formal charge under Section 341/325 read with Section 34 of IPC was framed against all the accused persons and in the FIR laid by respondent No.2 formal charge under Section 325/354 read with Section 34 of IPC and Section 3(1)(ii)(x) & (xi) of the Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act, 1989 was framed against the petitioner-accused persons. The case laid by the respondent No.3 is at the stage of hearing of argument and as already stated the FIR laid by the respondent No.2 is at the stage of recording evidence of prosecution witnesses and by this time, four witnesses have been examined. So, to avoid any conflict decisions both the cases should be heard and disposed of by the same Court.

05. In the result, the petition filed by the petitioner-

accused persons for quashing of the case No.PRC (WP) 248 of 2017 is found to be bereft of merit and accordingly, the same stands dismissed. Learned CJM, West Tripura, Agartala shall immediately transmit the case record to the Court of Learned Special Judge, Court No.5, (Fast Track Special Court) within seven days from the date of receipt of a copy of this judgment/order. Learned Special Judge, (Fast Track Special Court), Court No.5, Agartala, West Tripura shall make all endeavor to record evidence of all the witnesses of the prosecution, preferably within a period of six months from the date of receipt copy of this judgment/order affording opportunity to the petitioner-accused persons to cross-examine the witnesses already been examined and after hearing arguments of both the sides shall deliver a common judgment within further a period of two months.

Registrar (Judl.) be asked to circulate a copy of this judgment/order to all the Courts across the State.

Send a copy of this judgment/order to the Court of Learned CJM in connection with PRC(WP) 248 of 2017 for information and compliance and also a copy of this judgment/order be communicated to the Court of Special Judge, Court No.5, West Tripura, Agartala, in connection with Special (SC ST) case No.01 of 2019 (PRC WP 180 of 2017) for information and compliance. No order is passed as to costs.

With this observation, this petition stands disposed of.

Pending application(s), if any, also stands disposed of.

PURNITA DEB

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Date: 2026.05.05 13:21:19

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Purnita

JUDGE