

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE JUSTICE SRI RAKESH THAPLIYAL.

Judgment Reserved on: 08.04.2026
Judgment Delivered on: 03.06.2026

Criminal Writ Petition No. 96 of 2026.

Suresh RathorePetitioner
Vs.
State of Uttarakhand & Ors.Respondents.

With

Criminal Writ Petition No. 1801 of 2025.

Suresh RathorePetitioner
Vs.
State of Uttarakhand & Ors.Respondents.

With

Criminal Writ Petition No. 39 of 2026.

Suresh RathorePetitioner
Vs.
State of Uttarakhand & Ors.Respondents.

With

Criminal Writ Petition No. 13 of 2026.

Suresh RathorePetitioner
Vs.
State of Uttarakhand & Ors.Respondents.

Counsel for the Petitioner:	Mr. Vaibhav Singh Chauhan and Mr. S.K. Shandilya, learned counsel.
Counsel for the State:	Mr. B.C. Joshi, learned A.G.A.
Counsel for the complainant:	Mr. Navneet Kaushik, learned counsel and Mr. Vineet Singh, learned counsel.

(Sri Rakesh Thapliyal, J.)

1. The present batch of matters consisting of four petitions concerns four FIRs filed under the provisions of Bhartiya Nyay Sanhita 2023 (for short BNS 2023) as well as Information Technology (Amendment) Act 2008. The detail of each of the FIRs which are subject matter of these batch of petitions are tabulated below for the sake of convenience.

Sl. No.	FIR No.	Date of registration	Police Station	Provisions
1	0420/2025	24.12.2025	Nehru Colony Dehradun.	Sections 308(7), 351(2), 352, 79 of BNS 2023 read with Section 67 of I.T.

				(Amendment) Act 2008.
2.	0534/2025	24/12/2025	Bahadrabad, Haridwar	Sections 248(b), 336(4) and 3(5) of BNS 2023
3.	0356/2025	26/12/2025	Jhabrera, Haridwar	Sections 248(b), 336(4) and 3(5) of BNS 2023
4.	0004/2026	05/01/2026	Dalanwala, Dehradun	Sections 336(4), 353(2), 356(3), 61(2) of BNS 2023 read with Section 66D and 66E of I.T. (Amendment) Act 2008.

As per the tabular chart, as above, FIR No. 356/2025 and FIR No. 534/2025 are the subject matter of WPCRL No. 39 of 2026 and WPCRL No. 13 of 2026. The other two FIRs, i.e., FIR No. 0420/2025 and FIR No. 004/2026 are the subject matter of WPCRL No. 801 of 2025 and WPCRL No. 96 of 2026.

2. In all these FIRs the petitioner Suresh Rathore and other one Urmila Sanavar are implicated for different penal provisions under the BNS 2023 and under the Information Technology (Amendment) Act 2008. So far as FIR No. 0004 of 2026 lodged at Dehradun is concerned, the informant of this FIR is Mr. Dushyant Kumar Gautam in which the present petitioner and one Urmila Sanavar along with some unknown persons of different political parties have also been implicated.

3. At this juncture, it is essential to outline the factual matrix as described in each of the FIRs to clearly understand the context of these batch of petitions.

(I) As per the tabular chart first FIR is lodged by one Arti Gaur on 24.12.2025, i.e., FIR No. 0420 of 2025 at P.S. Nehru Colony, District Dehradun wherein the petitioner and one Urmila Sanavar have been implicated for the offences punishable under Sections 308(7), 351(2), 352 and 79 of BNS 2023 read with Section 67 of I.T. (Amendment) Act 2008 which is the subject matter of WPCRL No. 1801 of 2025. It is alleged in this FIR that informant is resident of Dehradun and Member of District Panchayat, Amroli of Yamkeshwar Constituency and three years back one girl,

namely, Ankita Bhandari was missing and murdered and a case was registered and after investigation three persons were charge sheeted and the Trial Court convicted each of them with the sentence of life imprisonment and now after three years of the said incident Ms. Urmila Sanavar who belongs to District Saharanpur, Uttar Pradesh uploaded certain video clips containing personal conversation with Suresth Rathore on different social media platforms including facebook account containing extremely abusive and vulgar language in order to get political mileage and the informant is being harassed by them and also being threaten to falsely implicate in Ankita Bhandari's murder case.

(II) The next FIR is FIR No. 0534 of 2025 lodged by one Dr. Dharmendra Kumar at P.S. Bahadrabad, District Haridwar implicating the petitioner Suresh Rathore and Ms. Urmila Sanavar for the offences punishable under Sections 248(b), 336(4) and 3(5) of BNS 2023. In this FIR, it is alleged that Mr. Suresh Rathore and his wife Urmila Sanavar are making false and misleading statement by uploading their audio clips on different social media platforms against one Mr. Dushyant Kumar Gautam, President of "International Shiromani Guru Ravidas Shiv Mahapeeth" and "National President of Sant Shiromani Guru Ravidas Akhara Bharat" with an intention to malign his social image and reputation, causing deep hurt to the followers of "Ravidas Community".

(III) Next FIR is FIR No. 0356 of 2025 lodged by one Sanchit Kumar on 26.12.2026 at P.S. Jhabrera District Haridwar which is the subject matter of WPCRL No. 39 of 2026 wherein Suresh Rathore and Ms. Urmila Sanavar have been implicated for the offences punishable under Sections 248(b), 336(4) read with Section 3(5) of BNS 2023. In this FIR it is alleged that both Mr. Suresh Rathore and Ms. Urmila Sanavar are making false and

misleading statement on social media platform against one Mr. Dushyant Kumar Gautam, “National President of Sant Shiromani Guru Ravidas Akhara Bharat” with an intention to malign his social image and reputation in order to get political mileage which also hurt the sentiments of the followers of “Ravidas Community”.

(IV) The last one is the FIR No. 0004 of 2026 lodged by Mr. Dushyant Kumar Gautam on 05.01.2026 at P.S. Dalanwala in District Dehradun wherein Suresh Rathore, the present petitioner and Ms. Urmila Sanavar with some unknown persons of different political parties have been implicated for the offences punishable under Sections 336(4), 353(2), 356(3) 61(2) of BNS 2023 read with Section 66D and 66E of the I.T. (Amendment) Act, 2008. In this FIR, it is alleged that Suresh Rathore, Ex. M.L.A. from Jwalapur Constituency and actress Urmila Sanavar in association with some persons belongs to the different political parties are uploading fake audio and video clips of their conversation on different social media platforms by using extremely vulgar and abusive language with an intention to malign reputation of the informant in order to get political mileage which is a well planned conspiracy to implicate the informant in Ankita Bhandari’s murder case.

4. Plain reading of all these FIRs indicates that the allegations as alleged in two FIRs, i.e. FIR No. 0356/2025 and FIR No. 0534/2025 are almost contains the same allegation as alleged in the FIR No. 0004/2026 lodged by Mr. Dushyant Kumar Gautam. Furthermore, on close scrutiny of these two FIRs, admittedly, the victim is Mr. Dushyant Kumar Gautam who is informant of FIR No. 0004 of 2026. So far as FIR No. 0420 of 2025 is concerned, in this FIR Ms. Arti Gaur is the informant as well as the victim and

the allegations as alleged, to some extent, are different to the other three FIRs.

5. The petitioner Suresh Rathore who is admittedly having a political background and was Ex. M.L.A. is aggrieved by these four FIRs lodged by different persons in different police stations and praying for quashing of FIRs on the ground that each of the impugned FIRs does not disclose any cognizable offence and as a matter of fact, he is the victim and he has not uploaded any conversation with Ms. Urmila Sanavar in any social media platform, and, as such, the impugned FIRs qua the petitioner are deserves to be quashed.

6. Learned counsel for the petitioner Mr. V.S. Chauhan and Mr. S.K. Shandiyla argued that the petitioner is innocent and has been falsely implicated and he has no concern with the other co-accused, namely, Ms. Urmila Sanavar @ Urmila Rathore, since, she is not legally wedded wife of the petitioner, and, in fact, the petitioner is the victim since co-accused Urmila Sanavar hurled slurry remarks against the petitioner as well as his family members on different social media platforms.

Learned counsel for the petitioner further argued that the petitioner has no enmity with Mr. Dushyant Kumar Gautam who is the informant of FIR No. 0004 of 2026 and he has not uttered a single word on social media in order to malign his image or to get any political mileage.

7. Learned counsel for the petitioner also submits that so far as FIR No. 356/2025 and FIR No. 0534/2025 are concerned, the informant of both the FIRs have no locus to lodge these FIRs since neither they are the victim nor the affected person as envisaged

under Section 2(wa) of Cr.P.C. (corresponding section 2(Y) of BNSS 2023), hence, the same is liable to be quashed.

In furtherance of their arguments learned counsel for the petitioner also submits that in fact the allegations, as alleged, in these two FIR are almost identical to the allegations as alleged in FIR No. 0004/2026 which was lodged by the informant/victim and since the victim already lodged the FIR, therefore, these two FIRs containing almost with same set of allegations by the persons who are neither the affected party nor the victim cannot sustain in view of the law laid down by the Hon'ble Apex Court in the case of *T.T. Antony vs. State of Kerala and Others, (2001) 6 SCC 181*. In support of such submission, he submits that these two FIRs, i.e. FIR No. 356/2025 and FIR No. 0534/2025 lodged on 24.12.2025 and 26.12.2025 respectively, though, lodged prior to the FIR lodged by Mr. Dushyant Kumar Gautam who lodged the FIR on 05.01.2026 bearing FIR No. 0004 of 2026 but these two FIRs since contains same allegation, as alleged in FIR No. 0004/2026 which in fact was lodged by the victim himself should be treated as a successive FIR in respect of same allegations and are liable to be quashed in view of the law laid down by the Hon'ble Apex Court in the case of T.T. Antony (supra) which still holds a good law.

8. In furtherance of his arguments with regard to these two FIRs lodged at District Haridwar by two different persons who are neither the affected party nor the victim, learned counsel for the petitioner further placed reliance to another judgment of the Hon'ble Apex Court in the case of *Rajendra Bihari Lal vs. State of U.P.* decided on 17.10.2025 in Writ Petition (criminal) No. 1234 of 2023, INSC 1249 and he draw attention of this Court to para 98 of this judgment wherein the earlier precedent i.e. in the case of T.T. Antony (supra) was also considered. By placing reliance to

this judgment learned counsel for the petitioner submits that these two FIR, i.e. FIR No. 356/2025 and FIR No. 0534/2025 cannot sustain and are deserve to be quashed on two grounds; firstly the informant of these two FIRs are neither the victim nor the affected party; secondly the allegations, as alleged, in both the FIRs almost the same as alleged in the FIR No. 0004 of 2026 lodged by Mr. Dushyant Kumar Gautam who is actually the victim and affected party.

9. In reference to this, the counsel for the respondent/complainant argued that the statement as advanced by the learned counsel for the petitioner is misconceived, since, the allegations, as alleged, in the two FIRs cannot be treated to be same as alleged in FIR No. 0004/2026 because due to the conduct of the petitioner and co-accused Mrs. Urmila Sanavar followers of “Ravidas Community” are deeply hurt. Mr. Navneet Kaushik submits that various audio clips were uploaded on different social media platform by Urmila Sanavar @ Urmila Rathore in which extremely vulgar and abusive language was used against Mr. Dushyant Kumar Gautam who is National President of “Sant Shiromani Guru Ravidas Akhara Bharat”, and such conversation make an impression in the mind of the followers of “Ravidas Community” that Mr. Dushyant Kumar Gautam is a person who have a nexus with Ankita Bhandari’s murder case.

Mr. Kaushik further submits that audio clip between Suresh Rathore and Urmila Sanavar were of such nature that created false narrative in the hands of other political parties and persons to create a havoc in the social media which is nothing but a well planned organized conspiracy of Suresh Rathore and Urmila Sanavar to implicate Mr. Dushyant Kumar Gautam in a case wherein after long trial, the accused persons have been convicted and their appeal against conviction is pending in the High Court.

He submits that these two FIRs cannot be treated to be a multiple FIR or successive FIR since contents of both the FIRs contains different allegations, and, the judgement of Hon'ble Apex Court in the case of T.T. Antony (supra) will not apply in respect of these two FIRs.

10. So far as other two FIRs, i.e. FIR No. 0420 of 2025 lodged by Ms. Arti Gaur and another one i.e. FIR No. 0004 of 2026 lodged by Mr. Dushyant Kumar Gautam are concerned, learned counsel for the petitioner argued that all the allegations as alleged in these two FIRs are false and frivolous and the petitioner is innocent and has been falsely implicated and even otherwise the petitioner is, in fact, is the victim since other co-accused also raised serious remarks against the petitioner as well. He further submits that the petitioner has no enmity with Mr. Dushyant Kumar Gautam, and in fact, the petitioner was the former M.L.A. from the same political party of which Mr. Dushyant Kumar Gautam belongs, therefore, there is no question for making any such remark against Mr. Dushyant Kumar Gautam to malign his image. He further submits that no date and time is mentioned in these two FIRs as to when the petitioner made any such statement in social media in order to malign the image of Mr. Dushyant Kumar Gautam, and, as such no offence is made out. He submits that at no point of time the petitioner make any such statement in social media against Mr. Dushyant Kumar Gautam even he has not uploaded any conversation with Urmila Sanavar in social media platform including any video clip, and, as such, these two FIRs also does not discloses any cognizable offence against the petitioner. He also submits that even the petitioner has no collusion with the co-accused Urmila Sanavar and specific averment has been made in WPCRL No. 13 of 2026 in this regard,

and, as such, the impugned FIR qua the petitioner is liable to be quashed.

In addition to this, learned counsel for the petitioner placed reliance to the judgment of Delhi High Court in the petition bearing CS (OS) No. 16 of 2026, Dushyant Kumar Gautam vs. Urmila Sanavar and Ors., filed by Mr. Dushyant Kumar Gautam, informant of FIR No. 004 of 2026, and he draw attention to some relevant extract of the said judgment of Delhi High Court

11. By referring the aforesaid judgment, learned counsel for the petitioner submits that even the aforesaid judgment of Delhi High Court nowhere connects the petitioner with the allegation as alleged in the impugned FIRs.

12. In WPCRL No. 1801 of 2025, counter affidavit has been filed by the I.O. enclosing the statement of co-accused Urmila Sanavar and other witnesses along with recovery memo of audio-clip and transcript of conversation between Urmila Sanavar with the petitioner. Mr. Joshi, learned A.G.A. for the State submits that all the FIRs are under investigation and cooperation of petitioner is required since the I.O. conducting investigation from every angle. He submits that I.O. collected audio clip containing the conversation of petitioner with co-accused "Urmila Sanavar" from which it reveals that the petitioner and the other co-accused using abusive and filthy language and certain audio clips also contains the conversation with regard to "Ankita Bhandari's" murder case. Transcription of audio are also placed on record with counter affidavit.

Learned A.G.A. also submits that the original voice sample of petitioner as well as of co-accused "Urmila Sanavar" has been sent for forensic analysis to CFL (Centre Forensic Lab) Chandigarh alongwith their mobile phones after obtaining the permission from the court and the report are still awaited. He also

pointed out that in FIR No. 365 of 2025 Section 308 is now deleted and investigation is in progress relating to other penal provisions, i.e. 350(1), 352, 79 of BNS 2023 read with Section 67 IT Act. Mr. Joshi, learned A.G.A. also submits that investigation reveals that Urmila Sanavar is an Actress from film industry Mumbai and earlier she married with one Ajay Sharma and from this marriage there are two sons who are at present 24 and 28 years old, however due to their matrimonial dispute she came in contact with the petitioner Suresh Rathore and both of them solemnized “गंधर्व विवाह” in Nepal.

13. In WPCRL No. 96 of 2026 wherein FIR No. 04 of 2026 is under challenge wherein complainant also filed counter affidavit with this contention that interim protection has been granted at a very crucial stage of investigation when the investigating agency has yet not been able to collect the material evidence, digital devices and digital accounts to complete the chain of circulation of the objectionable content which is necessary for fair investigation. In counter reference of Hon’ble Apex Court’s decision in the case of M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra (2021 SCC Online SC 315) has also been given wherein the Hon’ble Apex Court has laid down certain guidelines by holding that the police have a statutory right and duty to investigate a cognizable offence and the Court should not interfere with the investigation particularly relating to a cognizable offence except in rare of rarest cases.

Learned counsel for the complainant Dushyant Kumar Gautam submits that the complainant is a senior, well known political figure associated with National Political party as a National General Secretary including State In-charge (Prabhari) for the State of Uttarakhand and was Member of Parliament in Rajya Sabha and by virtue of his long and distinguished public

service, he has earned considerable goodwill, credibility and respect among the public at large.

He further submits that petitioner is in collusion with co-accused "Urmila Sanavar" repeatedly uploading objectionable remarks against complainant through different social media platform like facebook, youtube and instagram only to get political mileage in connivance with other political parties and it requires collection of electronic evidence, examination of digital account and identification of the persons involved, and the FIR cannot be quashed since it discloses cognizable offence.

He also make submission in reference to the incident of "Ankita Bhandari's" murder case and submits that Ankita Bhandari was the receptionist in a resort and had gone missing in September 2022 and then found dead on 18.09.2022 which led to registration of FIR relating to her abduction and murder. Subsequently on investigation the persons involved were charge sheeted and subsequent thereto trial court convicted them with the life imprisonment against which now convicts preferred appeal in the High Court.

He further submits that the petitioner in association with Urmila Saravar are repeatedly making an attempt to sensitize the "Ankita Bhandari's" murder case in a public domain and uploaded their conversation and the videos in different social media platforms and portrayed the complainant as a sexual predator and insinuated that he was the person for whose alleged benefit Ankita Bhandari was being exploited and ultimately killed and circulation of such baseless and defamatory videos and posts by the petitioner in collusion with co-accused and other political parties is only with sole intention to gain publicity, media attention and political mileage without any credible material or evidence whatsoever to substantiate such grave allegations against the answering respondent.

14. Learned counsel for the informant submits that the personal conversation of Suresh Rathore and Urmila Sanavar reveals that they conspired in an organized manner to tarnish the image of the complainant only to get some political mileage to show complainant an alleged VIP seeking “extra services”. He submits that instagram reels and videos initially published by co-accused Urmila Sanavar from her social media handle, i.e., “@urmila_actress_bjp, @actressurmilasureshrathore and @actressurmilasanawar”, were widely circulated across various digital platforms having been downloaded, edited and re-circulated by several users and such circulation and amplification of unverified allegations has caused serious prejudice to the reputation of the complainant.

He further submits that Delhi High Court also take serious note of such circulation and restrained them from circulating any such conversation and video clip in social media platform. He also submits that even after commencement of investigation repeatedly such conversations and video clip are being circulated in social media platform, therefore, there may be a possibility that the petitioner may make an attempt to fabricate or manipulate the evidence and therefore their custodial interrogation is also required, as most of the evidence relates to the electronic device and if such electronic device found manipulated then it will effect ongoing investigation.

15. Mr. Navneet Kaushik, learned counsel for the informant in other FIR lodged at Haridwar placed reliance to the judgment of Apex Court in the case of Somjeet Mallick vs. State of Jharkhand and others (2024) 10 SCC 527 particularly by placing reliance to para 14, 15, 16, and 18 submits that since the impugned FIR discloses cognizable offence, therefore, FIR cannot be quashed..

He also placed reliance to another judgment of the Apex Court in the case of Accamma Sam Jacob vs. State of Karnataka and others, decided on 13.04.2026 wherein same view has been expressed that if FIR discloses cognizable offence, the same cannot be quashed. He also submits that petitioner has not disclosed about his criminal antecedent, though, as a matter of fact he has criminal antecedent and as many as there are four cases against him apart from the impugned FIR and he deliberately suppressed his criminal history particularly FIR No. 0076 of 2024 P.S. Syohara District Bijnor wherein he has been implicated for the offence punishable under Section 307 IPC.

16. Heard the arguments of the learned counsel for the parties at length. Admittedly there are four FIRs. So far as FIR No. 0534 of 2025 is concerned which was lodged at P.S. Bahadrabad, District Haridwar in this FIR the allegations are that the complainant and the petitioner both are the follower of the same community, i.e., 'Ravidas' and the informant is the "President of International Shiromani Guru Ravidas Shiv Mahapeeth" and the National President of Sant Shiromani Guru Ravidas Akhara Bharat and with an intention to malign the image of the respondent/complainant, the petitioner uploaded fabricated videos, make false and defamatory imputation and the other co-accused, namely, Urmila Sanavar is shown as wife of the petitioner.

17. The transcription of certain video clips were also furnished by the State Counsel and this Court perused the same and after perusing the transcription what this Court observed that uploading videos on social media platform with an intention to malign the image of a person appears to be a serious issue particularly when the allegations are without any substance.

Apart from this, projecting the involvement of the respondent/complainant in a murder case of Ankita Bhandari that too when the trial is already over and the accused persons have already been convicted and the appeal against conviction is pending before the Court, is also really a serious issue.

18. Now the question is why such conversations were uploaded in the social media for projecting the respondent/complainant to be involved in Ankita Bhandari's murder case, this, may be politically motivated or may be a well planned organized conspiracy by the petitioner in association with another accused person Ms. Urmila Sanavar and may be on the instance of some persons who are associated with some political parties..

Projecting a person to be involved in a heinous crime with an ulterior purpose and motive, may be for a political gain, is required to be investigated. No one has a right to malign the image of a person by uploading the messages and videos in the social media. If a person has any evidence or any information then he may make a complaint to the competent officer so that the competent officer may inquire but no one has a right to upload such messages and the videos in the social media. Everybody is governed by law and no one is above the law and the social media platforms are not meant for all these purposes particularly to malign the image of a person. The social media platform may be used to highlight basic issue of public at large and not for any other vested purposes.

19. Learned counsel for the petitioner also placed before this Court the judgment of Delhi High Court in CS(OS) No. 16 of 2026 filed by Mr. Dushyant Kumar Gautam , one of the complainant.

Certain relevant extract of the arguments as advanced on behalf of Mr. Gautam are being reproduced herein as under:-

“it was argued on behalf of the respondent/complainant that with regard to Ankita Bhandari’s murder case who was missing in September 2022 and was subsequently found dead and case was reported for her abduction and murder and at no stage of the investigation or trial, any investigating agency or court named, cited or even referred to the petitioner in connection with the said offence and till date ,no court has taken any cognizance of any offence against Dushyant Kumar Gautam with respect to the said incident, despite this, the petitioner in association with Urmila Sanavar sensitize the case in public domain and released and uploaded a series of instagram reels and related videos from their instagram account falsely and maliciously posted the respondent/complainant as sexual predator and insinuated that he is the persons on whose account Ankita Bhandari was being exploited and was ultimately killed and despite there being no reference to him in the investigation record or there being any judicial finding to that effect and the whole exercise of circulating these defamatory and malicious videos and posts in social platform has been done in order to gain publicity, media coverage and political mileage without having any credible basis and evidence to substantiate the same. The record reveals that Urmila Sanavar is the primary and originating author of defamatory imputation that the respondent/complainant was the “VIP” in the Ankita Bhandari Case. Those uploaded videos and posts were also published and circulated from official instagram account of “Indian National Congress Party” under the handle “@incindia” which given a reference “alleged VIP” angle of Ankita Bhandari murder case in a manner that invites viewers to associate the said VIP with the complainant/respondent thereby giving currency to the baseless insinuations emanating from the petitioner and Urmila Sanavar.

The counsel for the respondent/complainant submits that the Indian National Congress has uploaded and hosted videos in which party representative have made statements linking the alleged "VIP" to a "BJP National General Secretary" in the context of the Ankita Bhandari case, thus, encouraging viewers to draw the defamatory inference that the said reference is about the respondent/complainant. It is also pointed out by the learned counsel for the respondent that instagram reels and videos published by Urmila Sanavar on the instance of the petitioner Suresh Rathore were widely downloaded, edited and re-circulated across difference social platforms."

20. Delhi High Court in its order dated 07.01.2026 draw a conclusion that prima facie case has been made out by the respondent/complainant Mr. Dushyant Kumar Gautam and issue directions to restrain the petitioner and co-accused Urmila Sanavar and their agents as well as all persons acting under their instructions from posting, uploading, publishing, circulating, re-publishing, re-uploading or otherwise disseminating any content which names, targets, insinuates or imputes the respondent/complainant in the Ankita Bhandari case and also directed them to remove various posts and videos uploaded on social media platforms, namely, Youtube, Facebook, Instagram and compliance affidavit was also directed to be filed within a week.

21. Heard the arguments of the learned counsel for the parties and learned A.G.A. for the State and also perused each of the FIRs lodged by different informants, and also gone through with the judgment of the Hon'ble Apex Court in the case of T.T. Antony (supra) which was further followed and considered by the Hon'ble Apex Court in the case of Rajendra Bihari Lal and State of U.P. (supra). Certain relevant extract of the judgment of

Rajendra Bihari Lal (supra) are also being extracted herein as below” -

98. This Court in T.T. Antony (supra), categorically held that any information furnished to the officer in charge of a police station after the commencement of investigation would constitute a statement covered by Section 162 of the Cr.P.C. No such information, subsequent to the first information, can be treated as an FIR under Section 154 of the Cr.P.C., for that would amount to a “second FIR,” which is impermissible in law. The scheme of the Cr.P.C. only recognizes the first information about a cognizable offence as satisfying the requirements of Section 154 of the Cr.P.C. It was held therein that there can be no fresh investigation on receipt of subsequent information qua the same cognizable offence/same occurrence/incident. The Court, without a scintilla of doubt, was correct in holding that a case arising out of second FIR is a fit case for exercise of power under Section 482 of the Cr.P.C. and/or Article 226 of the Constitution. The relevant paragraphs are as follows:

“18.[...] 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 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.

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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.

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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.” (Emphasis supplied)

22. To examine whether these two FIRs are sustainable or to be treated as successive FIR or multiple FIRs, at this juncture Section 2(wa) of Cr.p.C. is relevant which defines the victim and the same is being reproduced herein as under:-

2(wa)[“victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir;] *[Inserted by the Code of Criminal Procedure (Amendment) Act, 2008, Section 2.]*

The corresponding section of 2(wa) of Cr.P.C. now new Act, i.e. BNSS 2023, Section 2(4) of BNSS 2023 is also being reproduced herein as under:-

2(4) “counterfeit”.--A person is said to “counterfeit” who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

On close scrutiny of this definition clause of ‘victim’ admittedly these two FIRs, i.e. FIR No. 356 of 2025 and FIR No. 534 of 2025 are lodged by the persons who are admittedly not the victim and on close scrutiny of the FIR it also reveals that in fact victim is the informant Mr. Dushyant Kumar Gautam who already lodged the FIR No. 0004 of 2026.

23. Now in sum and substance what this Court observed that these two FIR bearing FIR Nos. 0356 of 2026 and FIR No. 534 of 2025 contains the same allegations as alleged in the FIR No. 0004 of 2026 which was lodged by the victim, and, therefore, the informant of both these two FIRs are neither the victim nor the affected party, therefore, in view of the law laid down by the Hon’ble Apex Court in the case of T.T. Antony (supra) as well as in the case of Rajendra Bihari Lal (supra) this Court is of the view that both these two FIR are liable to be quashed.

So far as other two FIRs, i.e. FIR No. 0420 of 2025 and FIR No. 004 of 2026 are concerned, admittedly these two FIRs have been lodged by the informant who are in fact are the victim and after gone through with the transcription of certain video clips as uploaded in different social media platforms as well as the judgment of Delhi High Court, this Court is of the view that these two FIRs discloses prima facie cognizable offences, therefore, requires thorough investigation and cannot be quashed. To malign the image of a person in order to implicate in a case of heinous crime which has already been concluded is really a serious issue and why such conversations and the video clips have been uploaded in the social media platform certainly requires thorough investigation. No doubt the petitioner is from a political background and the informant of FIR No. 0004 of 2026 is also from political background, therefore, this aspect is also required to be investigated whether there was the political agenda behind this and whether such conversations were uploaded in social media platform with some ulterior purposes and motive. Therefore, this Court is of the view that both these two FIRs, i.e. FIR No. 0420 of 2025 lodged by Ms. Arti Gaur and FIR No. 0004 of 2026 lodged by Mr. Dushyant Kumar Gautam cannot be quashed.

24. In view of the observation and the discussion as above, Writ Petition No. 1801 of 2025 and Writ Petition No. 96 of 2026 are dismissed and the interim order of protection are also vacated.

So far as Writ Petition No. 39 of 2026 and Writ Petition No. 13 of 2026 are concerned, both the writ petitions are allowed and the impugned FIR dated 26.12.2025, bearing FIR No. 356 of 2025 registered at P.S. Jhabrera District Haridwar and FIR dated

24.12.2025 bearing FIR No. 0534 of 2025 registered at P.S. Bahadrabad, District Haridwar are also hereby quashed.

25. It is also further made clear that the informant of both the FIRs, i.e. Ms Arti Gaur and Mr. Dushyant Kumar Gautam if have any threat perception from the persons who are named in the FIR during investigation they may approach to the D.G.P. concerned as well as to the S.S.P. and the D.G.P. as well as S.S.P. shall assess the threat perception if any and take appropriate steps to secure their life and liberty.

26. No order as to costs.

RAKESH THAPLIYAL, J.

Parul