

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

WRIT PETITION (CRIMINAL) NO.341 OF 2022

AMANDEEP SINGH SARAN

Petitioner(s)

VERSUS

THE STATE OF DELHI & ORS.

Respondent(s)

O R D E R

This writ petition has been filed invoking Article 32 of the Constitution of India seeking the following reliefs:

“a. Issue a Writ of Mandamus or such other appropriate Writ directing that no further FIRs be registered against the Petitioner by any Investigating agency premised on the same cause of actions as mentioned in the present petition; and/or

b. Issue a Writ of Mandamus or such other appropriate Writ directing no cognizance be taken by any court/authority empowered to do so on any Complaint premised on the same cause of action mentioned in the present writ petition.

c. Issue a Writ directing transfer and/or clubbing of all 30 FIRs i.e. FIR bearing No.477 of 2013 u/s 420, P.S. Basatpur dated 30.08.2013, FIR bearing no.142 of 2013 u/s 420, 409, 120(B) P.S. New Rajendra Nagar dated

24.12.2013, FIR bearing No.22 of 2015 u/s 420, 409/34, 120(B) and Section 3 and 4 of the Prize Chits Money Circulation Scheme (Banning) Act, 1978 and Section 138 of the N.I. Act P.S. New Rajendra Nagar dated 14.03.2015, FIR bearing No.35 of 2015 u/s 420, 120(B), P.S. Korar dated 18.04.2015, FIR bearing No.03 of 2015 u/s 5 of TNPID Act & 406, 420, 120(B) P.S. EOW dated 04.11.2015, FIR bearing no.441 of 2015 u/s 420, 240 of IPC, 3 of Maharashtra Protection of Interest of Depositors and 4 of Maharashtra Money Lenders Act P.S Ramnagar dated 06.09.2015, FIR bearing no.291 of 2015 u/s 420&34 of IPC, P.S. Dhamtri dated 11.10.2015, FIR bearing no.09 of 2015 u/s 406, 420, 120(B), P.S. EOW-II dated 04.11.2015, FIR bearing no.438 of 2015 u/s 409, 420 P.S. kotwali Jhalawar dated 21.12.2015, FIR bearing no.0094 of 2016 u/s 420 & 34 of IPC P.S. Kotwali Rajnandgaon dated 03.02.2016, FIR bearing no.02 of 2016 u/s 406, 420 & 5 of TN Protection of Interest of Depositors Act P.S. Tirunelveli dated 01.03.2016, FIR bearing no.03 of 2016 u/s 406, 420 & 5 of TN Protection of Interest of Depositors Act P.S. Economic offences wing dated 07.03.2016, FIR bearing no.450 of 2016 u/s 420, 120(B) & 4 of Chit Fund Act Act P.S. Kotwali Durg dated 07.03.2016, FIR bearing no.451 of 2016 u/s 420, 120(B) & 4 of Chit Fund Act Act P.S. Kotwali

Durg dated 07.03.2016, FIR bearing no.660 of 2016 u/s 420 and 34 P.S. Harda dated 04.08.2016, FIR bearing no.27 of 2016 u/s 420, 34 P.S. Antagarh dated 11.08.2016, FIR bearing no.445 of 2016 u/s 420 P.S. Nasik dated 05.10.2016, FIR bearing no.33303001170043 of 2017 u/s 420, 3 & 4 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 P.S. Bemetara dated 18.01.2017, FIR bearing no.87 of 2017 u/s 420, 409, 467, 468, 120(B) P.S. Surajpole dated 01.03.2017, FIR bearing no.94 of 2017, FIR bearing no.95 of 2017, FIR bearing no.97 of 2017 u/s 420, 409, 467, 468, 120(B) P.S. Surajpole dated 04.03.2017, FIR bearing no.173 of 2017 u/s 420& 120(B), FIR bearing No.81 of 2017 P.S. Surajpole dated 04.03.2017, FIR bearing no.81 of 2017 P.S. EOW, FIR bearing Crime No.103/2016, P.S. Umariya, FIR bearing Case Crime No. 532/2013 P.S. City Kotwali, FIR bearing no.29 of 2019 u/s 420, 406, 120(B) P.S. Faridabad Kotwali dated 16.01.2019, FIR bearing no.176 of 2019 u/s 420, 409 & Section 3, 4 and 5 of the Prize Chits Money Circulation Scheme (Banning) Act, 1978 P.S. Pivada dated 28.07.2019, FIR bearing no.329 of 2020 u/s 420,406 34 P.S. Miawali Nagar dated 21.07.2020, bearing FIR No.RC2232022A0003 P.S. AC-V Delhi, u/s 120(B), 406, 420 of IPC and 13(2), 13(1)(d) of PC Act dated 25.05.2022 filed against the petitioner in various states through out the country to be brought together before any appropriate Investigating Agency/Court in the

State of Delhi as deemed fit by this Hon'ble Court.

d. Pass such other and further orders as may be deemed fit and proper in the facts and circumstances of the case."

We have heard learned senior counsel Sri J.S. Attri and learned counsel Sri Sharma for the petitioner and learned ASG for the Union of India, Sri Vikramjit Banerjee learned senior counsel Dr. Manish Singhvi and learned counsel for the respective States and perused the material on record.

Learned senior counsel appearing for the petitioner drew our attention to the order dated 12.05.2022 passed in the case of *Radhey Shyam Vs. State of Haryana and Ors.* {W.P. (CrI) No.75/2020} (Radhey Shyam) and submitted that the relief granted to the petitioner therein may be extended to the petitioner herein also. Our attention was drawn to the fact that in the said case, there were 9 FIRs filed in the State of Haryana, 4 FIRs filed in the State of Telangana, 6 FIRs filed in the State of Maharashtra, 11 FIRs filed in the State of Madhya Pradesh, 10 FIRs filed in the State of Rajasthan and 1 FIR each filed in the States of Andhra Pradesh, Delhi and Punjab, Uttarakhand, Jharkhand and Himachal Pradesh and 2 FIRs filed in the State of Uttar Pradesh, totally 48 FIRs filed against the petitioner therein, which were all clubbed together and in exercise of jurisdiction under Article 142 of the Constitution of India by the three Judge bench of this Court which granted relief to the petitioner therein by directing clubbing of

all the FIRs before a trial Court in order to avoid multiplicity of proceedings which would not be in public interest. Consequently, relief was granted to the petitioner therein.

Learned senior counsel appearing for the petitioner submitted that the aforesaid order may be passed in this case also, having regard to the fact that there are 10 FIRs lodged against the petitioner in the State of Chhattisgarh, 4 FIRs in the State of Tamil Nadu, 8 FIRs filed in the State of Rajasthan, 2 FIRs each filed in the State of Maharashtra and Delhi and 3 FIRs filed in the State of Madhya Pradesh and 1 FIR filed in the State of Haryana totally 30 number of FIRs.

***Per contra*, learned Additional Solicitor General, learned senior counsel and learned counsel appearing for the respondent Union of India and respective States submitted that the relief sought for by the petitioner herein cannot be granted, having regard to the recent judgment of this Court in the case of *Balasaheb Keshawrao Bhapkar vs. State of Maharashtra (Balasaheb Bhapkar)* dated 21.03.2023 writ petition (Cr1) 417/2022 to the effect that such relief would not be in the interest of criminal justice and therefore dispose of the said writ petition by granting liberty to the petitioner therein to approach the jurisdictional High Courts to seek clubbing of the FIRs pending within each of the respective States. They also submitted that the three judge Bench of this Court had exercised powers under Article 142 of the Constitution of India in the case of *Radhey Shyam* and orders**

passed under Article 142 of the Constitution cannot be a precedent in any subsequent case as the exercise of power under the said Article is to do complete justice on the fact and circumstances of a particular case.

It was therefore submitted that liberty may be reserved to the petitioner herein to seek clubbing of the FIRs which are pending within a particular State by approaching the jurisdictional High Courts and also seek any other remedy available in law and the writ petition may accordingly be disposed of.

We have considered the arguments advanced by the respective parties in light of the prayers sought by the petitioner herein and also the orders passed by this Court.

It is noted that the petitioner has sought a writ of mandamus seeking a direction that no further FIRs would be registered against him by an investigating agency on the same cause of action. In our view, such a prayer cannot be granted by any court of law. Similarly, a direction that no cognizance may be taken by any court or authority against the petitioner herein where a complaint is premised on the same cause of action can also not be granted by any court.

As far as the third prayer for clubbing of all the FIRs that has been filed as against the petitioner is concerned, we are of the concerned view that the order of this Court passed in the case of *Radhey Shyam* cannot be replicated in the present case for the

following reasons:

Firstly, the said order was made by exercise of power under Article 142 of the Constitution of India. Secondly, it was by consent of the States that such an order was passed. The relevant paragraphs of the said order are extracted as under for immediate reference:

“Following the exposition of this Court in Amish Devgan vs. Union of India & Ors., we deem it appropriate in exercise of power under Article 142 of the Constitution of India, to direct clubbing of all the FIRs, which can proceed together for one trial as far as possible, as we are of the opinion that multiplicity of the proceedings will not be in the larger public interest. We may hasten to add that all the States have no objection for abiding with such dispensation.

The FIRs, referred to above, filed in different States under the Indian Penal Code, can proceed as one set of complaint treating FIR No.710/2018 dated 30.08.2018 as the principal FIR. The FIRs registered subsequently in the State of Telangana and other States (except States of Haryana, Madhya Pradesh and Maharashtra), shall stand clubbed with the stated FIR No.710/2018 and treated as statement under Section 161 of the Code of Criminal Procedure. The investigating officer in criminal case arising from FIR No.710/2018 will be free to file

supplementary charge sheet after collation of all the records concerning other FIRs, which are clubbed in terms of this order. In the event, the Investigating Officer in other FIRs had already filed the Police report under Section 173 of the Code of Criminal Procedure before the concerned Court and the concerned Court had taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed along with the case arising from FIR No.710/2018, to be proceeded with in accordance with law. The investigating officer in the stated case (Principal case) will be free to file supplementary charge sheet on the basis of material collated during investigation of other FIRs.

As regards the FIRs registered in the States having special enactments, the first FIR registered in the concerned State be treated as principal criminal case; and the remaining FIRs and criminal case in that State shall stand clubbed/merged with the principal FIR/criminal case and proceeded as one case, including with liberty to the Investigating Officer in connection with the principal FIR to file supplementary charge sheet after collation of all records.

Needless to observe that the other offences not part of special enactment can also be tried by the Special Court under the concerned State Legislation.

In other words, all cases in the State of Haryana will stand clubbed with FIR No.358/2018 dated 08.09.2018, registered with Police Station Sadar, District Fatehabad, and be tried by Special Court at Fatehabad (Haryana). Similarly, all criminal cases arising from the FIRs filed at the different point of time in the State of Madhya Pradesh will stand clubbed with FIR No.198/2019 dated 25.03.2019, registered with Police Station Neemuch Cantt., District Neemuch - to be tried by Special Court, Neemuch (Madhya Pradesh) and in the State of Maharashtra on the same lines will stand clubbed with FIR No.146/2018 dated 26.11.2018 registered with Police Station Chalisgaon road, District Dhule - to be tried by Special Court at Dhule (Maharashtra).

It is clarified that if the first FIR in the States of Haryana, Maharashtra and Madhya Pradesh, respectively, is registered in respect of offence under the general law and not special enactment, but as the subsequent FIRs are registered in connection with the special law offence, the same after clubbing must be tried under the special law by the Special Court(s).

It is also made clear that this direction is limited to general offences and not offences under the Prevention of Money Laundering Act, 2002, which has to proceed under a separate legislation and of which investigation is done

by a separate investigating agency.

If any accused has been granted bail in connection with the principal FIR or criminal case arising therefrom, in which the other FIRs/criminal cases will stand clubbed/merged in terms of this order, the bail so granted must enure in his/her favour (of such accused) until the Court of competent jurisdiction cancels the same owing to supervening circumstances including breach of bail conditions.

Needless to observe that since the first FIR registered in the State of Maharashtra is limited to offence under the Indian Penal Code, but the subsequent FIR(s) contains allegation constituting offence under the special enactment, it will be open to the Court trying the first case, which would stand transferred to Special Court at Dhule (Maharashtra) in terms of this Order, to insist for fresh bail application by the concerned accused in relation to offences under the special Act. That application can be decided on its own merits and in accordance with law.

The writ petitions are disposed of in the above terms.”

The submission that if for the same offence multiple FIRs are filed before different Police Stations across the country, in that case, relief could be granted to the accused is concerned, is a matter which could be considered by this Court. On the other hand, in the instant case, the

offences are registered against the petitioner herein not only under the provisions of Indian Penal Code (IPC) but also invoking the respective State enactments which are made for protection of investors and under each of the State enactments, special courts have been designated to take cognizance and try offences against the accused therein. Therefore, any clubbing of the FIRs would mean that the jurisdiction of the special courts constituted in each of the States would be taken away and a special jurisdiction would be conferred on one of the Courts where the FIRs are to be clubbed to try the offences which arise under the different State enactments. It was urged that this is impermissible in law.

Reliance placed by the learned counsel for the petitioner Sri Sharma on a three judge-bench judgment of this Court in *Mohammed Zubair vs State of NCT of Delhi and Ors.* {W.P.(Cr1) No.279 of 2022} (*Mohd. Zubair*) is of no assistance inasmuch as the offence alleged against the petitioner therein was only one and common in respect of which, there were several FIRs lodged across the country. It was in those circumstances, that relief was granted to the petitioner therein. However, as we have already stated in the instant case, the FIRs have been filed against the petitioner in the respective States not only invoking the provisions of the Indian Penal Code (IPC) but also the provisions of the respective State enactments, under which special Courts have been constituted to try the offences under those enactments. The judgment of this Court in *Mohammed Zubair* cannot be applied having regard to the facts of this case. For the very same

reason the order of this Court passed in W.P.(CrI) No.74/2023 *Pawan Khera vs. State of Assam and Ors.* is not applicable having regard to the facts of the present case. We, therefore, accept the contention of the learned senior counsel and learned counsel for the respondents. In the circumstances, we decline to exercise the jurisdiction under Article 142 of the Constitution of India in the instant case. However, as far as prayer 3 sought for by the petitioner is concerned, liberty is reserved to the petitioner to approach each of the jurisdictional High Courts to seek clubbing of the FIRs pending against the petitioner within that particular State and also seek any other interim or final remedies as are available in law to the petitioner.

Since there are multiple FIRs against the petitioner herein in different States, in the event the trial is commenced in any of the States and as the petitioner is now lodged in one of the jails in Chhattisgarh, liberty is reserved to the petitioner to appear in the trial through video conferencing facility, if so permitted.

The writ petition is disposed of with the limited liberty reserved herein to the petitioner.

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

.....,]
[B.V. NAGARATHNA]

**NEW DELHI,
NOVEMBER 06, 2023**

.....,]
[UJJAL BHUYAN]

ITEM NO.34

COURT NO.14

SECTION X

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Writ Petition (Criminal) No.341/2022

AMANDEEP SINGH SRAN

Petitioner(s)

VERSUS

THE STATE OF DELHI & ORS.

Respondent(s)

**(IA No. 102287/2022 - EXEMPTION FROM FILING O.T.
IA No. 170644/2022 - INTERVENTION/IMPLEADMENT)**

Date : 06-11-2023 This matter was called on for hearing today.

CORAM :

**HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN**

**For Petitioner(s) Mr. J S Attri, Sr. Adv.
 Mr. Varinder Kumar Sharma, AOR
 Mr. Raj Singh, Adv.
 Mr. Shantanu Sharma, Adv.
 Ms. Deeksha Gaur, Adv.**

**For Respondent(s) Mr. Shreekant Neelappa Terdal, AOR
 Mr. Vikramjit Banerji, A.S.G.
 Mr. M.k. Maroria, Sr. Adv.
 Mr. Yuvraj Sharma, Adv.
 Mr. Tacho Eru, Adv.
 Mr. Anukalp Jain, Adv.
 Mr. T.s.sabarish, Adv.
 Ms. Archana Pathak Dave, Adv.**

**Mr. Sumeer Sodhi, AOR
Mr. Chaitnaya Sharma, Adv.**

**Dr. Joseph Aristotle S., AOR
Ms. Shubhi Bhardwaj, Adv.**

**Dr. Manish Singhvi, Sr. Adv.
Ms. Shubhangi Agarwal, Adv.
Mr. Apurv S., Adv.
Ms. Snehal Uday Kanzarkar, Adv.**

Mr. D. K. Devesh, AOR

**Ms. Rukmini Bobde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Soumya Priyadarshinee, Adv.
Mr. Ankit Ambasta, Adv.
Mr. Amit Srivastava, Adv.
Mr. Amlaan Kumar, Adv.**

**Mr. Birender Bikram, D.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Ms. Sabarni Som, Adv.**

**Mr. V.V.M.. Pattabhiram, D.A.G.
Mr. Sunny Choudhary, AOR
Mr. Abhinav Shrivastava, Adv.
Mr. Shivang Rawat, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

**The writ petition is disposed of with the limited liberty reserved
herein to the petitioner.**

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

**(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT**

(Signed order is placed on file)

**(MALEKAR NAGARAJ)
COURT MASTER (NSH)**