



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 3706/2013

Dr Charan Jeet Singh S/o Late Dr. Jabar Singh, aged about 48 years, the then Deputy CMHO, Office Adarsh Nagar, Jaipur at present residing at Saipau, District Dholpur (Raj.)

----Petitioner

Versus

1. State of Rajasthan through PP

Respondent

2. Dr. Omprakash S/o Shri Navrang, aged about 50 years, R/o House No. A-6/392, Chitrakoot Yojna, Ajmer Road, P.S. Vaishali Nagar, Jaipur

----Respondent/Complainant

For Petitioner(s)	:	Mr. Suresh Sahni Mr. R.M. Sharma
For Respondent(s)	:	Mr. Archit Bohra with Mr. Prakhar Jain Mr. Jitendra Singh Rathore-PP Mr. Narendra Singh Dhakar-PP

JUSTICE ANOOP KUMAR DHAND
Order

09/04/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.





2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long, on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant misc. petition, a prayer has been made to quash the impugned FIR No. 261/2011 registered at the Police Station Adarsh Nagar, District Jaipur City (East) for the offence punishable under Section 409 IPC.

4. Learned counsel for the petitioner submits that the petitioner lodged an FIR No. 230/2010 on 25.08.2010 with the Police Station Adarsh Nagar, District Jaipur City (East) for the offence punishable under Section 409 IPC against the accused Narayan Singh. Thereafter, when the matter was investigated by the Investigating Agency, the role of the aforesaid accused person was found to be proved and he was charge-sheeted for the offence under Section 409 IPC. Thereafter, he faced trial for the above stated offence before the Court of the Additional Chief Metropolitan Magistrate No. 8, Jaipur Metropolitan and finally, he was found guilty and was convicted under Section 409 IPC and sentenced to undergo five years simple imprisonment along with a fine of Rs. 10,000/- vide order dated 11.09.2012. Counsel submits that subsequently, a further audit was conducted and certain discrepancies were found and objections were raised by the audit team and on the basis of the aforesaid, the impugned FIR No. 261/2011 has been registered against the petitioner on 08.12.2011 with the Police Station Adarsh Nagar, District Jaipur City (East) for the offence punishable under Section 409 IPC. Counsel submits that registration of the aforesaid impugned FIR





amounts to registration of a second FIR with regard to the same incident for which petitioner has already lodged the FIR No. 230/2010 and the accused-Narayan Singh has been convicted in connection with the same. Counsel submits that if the department was of the view that a similar offence had been committed by the petitioner, then under such eventuality, this information could have been sent to the concerned Police Station for conducting further investigation under Section 173(8) Cr.P.C. in connection with the earlier FIR No.230/2010 instead of lodging the second FIR No.261/2011, which is not permissible in the eyes of law. Counsel submits that the provisions contained under Section 173(8) Cr.P.C. deals with such like situations where the police has been granted power to further investigate any matter after seeking permission from the concerned Court. However, in the instant case, the aforesaid procedure was not followed and straightaway the second impugned FIR has been lodged against the petitioner. Counsel submits that under such circumstances, institution of the aforesaid subsequent proceedings amounts to abuse of the process of law.

5. In support of his contentions, counsel for the petitioner has placed reliance upon the judgment passed by the Hon'ble Apex Court in the cases of **Anju Chaudhary Vs. State of Uttar Pradesh and Anr.** reported in **(2013) 6 SCC 384**; **Amitbhai Anilchandra Shah Vs. Central Bureau of Investigation and Anr.** reported in **(2013)6 SCC 348**; and **T.T.Antony Vs. State of Kerala and Ors.**, reported in **(2001) 6 SCC 181**.





6. Counsel submits that in view of the submissions made herein above, the impugned FIR be quashed.

7. Per contra, counsel appearing on behalf of the complainant as well as the learned Public Prosecutor opposed the prayer and submitted that after registration of the FIR No.230/2010 by the petitioner against the accused-Narayan Singh, when further audit was conducted by the concerned department, the petitioner was also found to be involved in committing the offence of embezzlement of money from the department. On the basis of the aforesaid, the impugned subsequent FIR has been lodged against the petitioner. Counsel submits that registration of such FIR is permissible under the law, in terms of the judgment passed by the Hon'ble Apex Court in the case of **State of Rajasthan Vs. Surendra Singh Rathore** reported in **(2025) SCC Online SC 358**. After considering the judgment passed by the Hon'ble Apex Court in the cases of **T.T. Antony** (Supra), **Anju Chaudhary** (Supra) and **Amitbhai Anilchandra Shah** (Supra), the Hon'ble Apex Court in the case of **Surendra Singh Rathore** (Supra) has laid down certain principles regarding permissibility of registration of second FIR and the instant case of the petitioner falls squarely within those principles. Hence, under these circumstances, the impugned FIR is sustainable in the eyes of law and the instant petition is liable to be rejected. Hence, interference of this Court is not warranted.

8. Heard and considered the submissions made at Bar and perused the material available on record.





9. Perusal of the record indicates that the petitioner was posted as Deputy Chief Medical and Health Officer at Adarsh Nagar, Jaipur and during his tenure in the said office when an audit of the department's account was conducted, a deficit of Rs. 40,00,000/- was found and on account of the aforesaid, the earlier FIR No. 230/2010 was registered by the petitioner at the Police Station Adarsh Nagar, Jaipur City (East) against the accused Narayan Singh under Section 409 IPC and after investigation, the police submitted the charge-sheet against the accused- Naryan Singh for the above stated offence. This fact is not in dispute that after trial, the learned Additional Chief Metropolitan Magistrate No. 8, Jaipur Metropolitan found the aforesaid accused-Narayan Singh guilty of the above stated offence and convicted him and sentenced him to undergo five years simple imprisonment along with a fine of Rs. 10,000/- vide order dated 11.09.2012.

10. It appears that thereafter, when a further audit was conducted by the department, this time embezzlement of an additional amount was found and the involvement of the petitioner was also found and therefore, under these circumstances, the instant impugned FIR No. 261/ 2011 was registered with the Police Station Adarsh Nagar, District Jaipur City (East) for the offence under Section 409 IPC against the petitioner.

11. Now the question which arises for consideration before this Court is as to whether the second FIR with regard to the same offence can be registered?





12. The Hon'ble Apex Court in series of judgments in the cases of **T.T. Antony** (Supra), **Anju Choudhary** (Supra) and **Amitbhai Anilchandra** (Supra) has taken a consistent view that there can be no second FIR and no fresh investigation is permissible on receipt of any subsequent information in respect of the same cognizable offence or same occurrence giving rise to one or more cognizable offence, and under such circumstances, registration of second FIR with regard to the same set of allegations is also not sustainable and the only recourse available with the police is to further investigate the matter under Section 173(8) Cr.P.C.

13. A similar situation had come up before a Co-ordinate Bench of this Court in the case of Surendra Singh Rathore Vs. State of Rajasthan in S. B. Criminal Miscellaneous Petition No.4366/2022, wherein an FIR was registered against the accused by the department and subsequently, further embezzlement of huge amount and involvement of the other accused persons was found. Hence, second FIR in connection with the same transaction and incident was registered. The validity of the subsequent FIR was assailed by the accused-Surendra Singh Rathore before this Court by way of filing above Criminal Miscellaneous Petition and the same was allowed by the Co-ordinate Bench of this Court vide order dated 09.09.2022 whereby entire proceedings arising out of the subsequent FIR were quashed. Thereafter, the State of Rajasthan filed SLP (Criminal) No. 16358/2024 before the Hon'ble Apex Court and after considering each and every judgment on the aforesaid issue, i.e., the judgments of **T. T. Antony** (Supra); **Anju**





Chaudhary (Supra); **Kari Choudhary Vs. Sita Devi and Ors.**, reported in **(2002) 1 SCC 714**; **Upkar Singh Vs. Ved Prakash**, reported in **(2004) 13 SCC 292**; and **Ram Lal Narang Vs. Sate (Delhi Admn.)**, reported in **(1979) 2 SCC 322**, the Hon'ble Apex Court in the case of **State of Rajasthan V/s. Surendra Singh Rathore** reported in **2025 SCC Online SC 358** has taken a different view and laid down certain principles as permissible scenarios for the registration of second FIR. These principles were laid down in para Nos. 9.1 to 9.5, which are as follows:-

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

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

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or person related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different."

14. Perusal of the aforesaid principles makes it ipso facto clear that when second FIR is in the form of a counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR was registered and when the second FIR is arising from the same set of circumstances, relating to a larger conspiracy and when investigation and/or person related to incident brings to the light hitherto unknown facts or circumstances, at a later stage, then registration of the subsequent FIR is permissible.





15. On the basis of the aforesaid principles, as laid down by the Hon'ble Apex Court in the case of **Surendra Singh Rathore** (Supra), this Court is of the considered opinion that no error has been committed by the respondent-authorities in lodging the impugned second FIR against the petitioner, as the role of the petitioner was found specifically with regard to his involvement in the commission of embezzlement of the department's money when a further audit was conducted at a later stage, after registration of the initial FIR by the petitioner.

16. Even otherwise, if the case is viewed from another angle, the impugned FIR is not second FIR against the petitioner. The first FIR was not lodged against the petitioner, rather the same was lodged by the petitioner against the accused Narayan Singh. The instant FIR is the first FIR against the petitioner and the same was lodged against him, when his role came into picture at the time of conducting audit and only at that time his prima facie involvement was found. Hence, the principles of law as laid down by the Hon'ble Apex Court in the judgments relied upon by the counsel for the petitioner are not applicable on the facts and circumstances of the present case.

17. This Court finds no valid reason to accept the contentions raised by counsel for the petitioner. Hence, the present petition is found to be devoid of merit and the same is liable to be and is hereby dismissed.

18. Stay application and all pending application(s), if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

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