

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

CRM(M) No. 162/2022

Reserved on: 24.04.2026  
Pronounced on: 14.05.2026  
Uploaded on: 15.05.2026

Operative part or full Judgement: **Full**

**Vishvendra Singh (54 Years)**  
**S/O D.P. Singh**  
**R/O 91, National Park,**  
**Lajpat Nagar-IV,**  
**Delhi-110024**

...Petitioner(s)

**Through:**

M/S Vikas Malik & Mushtaq Ahmad Dar, Advocates

**Vs.**

**1. UT of Jammu and Kashmir,**  
**Through SHO Police Station,**  
**Budgam.**

**2. WTC Faridabad Infrastructure,**  
**Through Authorized Representative,**  
**M. A. Sayed,**  
**GF-09, Uppal M6 Plaza Jasla,**  
**District Centre Jasla,**  
**New Delhi-110025**

...Respondent(s)

**Through:**

Mr. Bikramdeep Singh, Dy. AG for R-1; and  
None for R-2

**CORAM:**

**HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE**

**JUDGEMENT**

01. The petitioner, through the medium of the instant petition, has challenged order dated 1<sup>st</sup> of November, 2021 passed by the learned Special Mobile Magistrate, Budgam (for short "*the Budgam Magistrate*") in a complaint filed by the respondent No.2 herein, under Section 156(3) of the Code of Criminal Procedure (Cr PC) directing registration of FIR. Besides, the petitioner also seeks quashing of the FIR No. 327/2021 dated 1st

of November, 2021 registered at Police Station, Budgam under Sections 469 and 505 (II) of the Indian Penal Code (IPC).

02. The petitioner, a resident of Delhi, claims to be one of the several victims of a huge real estate fraud hatched between 2009-2014, wherein several hundred crores of rupees had been siphoned out of a real estate Developer company-AN Buildwell Pvt Ltd (ANB) by one ill-famed builder Ashish Bhalla who used the said diverted funds from ANB to create his own WTC group of companies, as a consequence whereof, multiple FIRs came to be registered, being FIR No. 114/2016, 116/2016 and 64/2016, all investigated by EOW, Delhi; that the respondent No.2 herein is one of the companies of WTC Group owned by the aforesaid notorious builder Ashish Bhalla, which has recently started selling residential plots over agricultural land in Faridabad and Haryana without even obtaining mandatory DTCP License and RERA Registration, consequent to which authorities have already begun action against it on the complaint filed by Petitioner herein.
03. Petitioner alleges that exasperated by the petitioner's Whistleblow of the above mentioned Scam and as a counter blast to Petitioner's police Complaint filed at Delhi, the respondent No. 2 hatched a conspiracy to neutralize the petitioner and, hence, vide Email dated 6<sup>th</sup> of September, 2021, the respondent placed a brochure on petitioner's email and, thereafter, instituted Complaint No. 775/2021 u/s 200 Cr. P.C. on 7<sup>th</sup> of October, 2021 at Srinagar and obtained a summoning order dated 7<sup>th</sup> of October, 2021 from the Court of learned Chief Judicial Magistrate (CJM, Srinagar against the Petitioner herein; that, after obtaining above referred

summoning order dated 7<sup>th</sup> of October, 2021 at Srinagar, the respondent No. 2 concealing that he had also approached the Court at Srinagar and moved U/s 156(3) Cr PC, the Court of Chief Judicial Magistrate Budgam and obtained another order dated 1<sup>st</sup> of November, 2021 for registration of FIR at Police Station, Budgam based on same set of facts on which the above summoning order dated 7<sup>th</sup> of October, 2021 had been issued by the learned CJM, Srinagar.

04. Petitioner next pleaded that the respondent No. 2 not only used same facts to pursue the above referred two parallel criminal proceedings at Srinagar and Budgam, but had also used the same facts to file third criminal proceeding in New Delhi (through its sister concern u/s 156(3) Cr PC at Saket Court, New Delhi, on 6<sup>th</sup> of December, 2021; that the respondent No.2 concealed from the Courts at Delhi, Budgam and Srinagar about the factum of same set of facts/ allegations/ incidents being used to pursue three parallel criminal cases against the petitioner herein; that around 1<sup>st</sup> of November, 2021, petitioner herein received summons from the Court of learned CJM, Srinagar in respect of Complaint No. 775/2021; that the petitioner was shocked to see that despite both sides being based in Delhi, the jurisdiction of the Court at Srinagar had been maliciously selected by respondent No. 2; that, thereafter, the petitioner, barely being able to assess the situation, approached the Hon'ble Supreme Court by way of filing Transfer Petition bearing TP (Crl) No. 49/2022 which is pending adjudication before the Hon'ble Supreme Court at the time of filing the present petition; that the Petitioner in exercise of his

legal remedies against the summoning order as also filed Criminal Revision Petition before the Hon'ble Sessions Court at Srinagar against the order of summoning, which was disposed of vide order dated 17<sup>th</sup> of March, 2022.

05. It is pertinent to mention here that after 18<sup>th</sup> of March, 2022, whenever petitioner comes to Srinagar to attend proceedings, he is stalked and harassed by men of above referred builder Group of Companies, with one such incident of stalking and high handedness were immediately reported to authorities on 19<sup>th</sup> of March, 2022 vide written complaint also; that the petitioner also filed WP (Crl) No. 673/2022 under the Witness Protection Scheme, 2018, wherein the High Court of Delhi directed the authorities vide order dated 30<sup>th</sup> of March, 2022 to furnish Status Report, that, thereafter, the petitioner herein came to know about the contents of another FIR bNo. 327/2021 dated 1<sup>st</sup> of November, 2021 and was shocked to notice that the same have been simply copied from the Complaint u/s 200 Cr.PC wherein summons were already been issued by the learned CJM, Srinagar; that, on comparison, it was also noticed that the said FIR and complaint case u/s 200 CR.PC are based on same set of facts on which a criminal proceeding No. 1799/2021 is also filed at Saket Court, New Delhi by same WTC group of companies; that being shocked at the above audacity of the respondent-builder side and the incessant harassment, the petitioner herein has got no other efficacious remedy, except to file this petition.

06. In the aforesaid background, petitioner seeks quashing of the impugned order passed by the learned Budgam Magistrate and the

impugned FIR registered at Police Station, Budgam, on the ground that the registration of multiple FIRs/complaints for a single transaction violates the "Test of Sameness" and the fundamental safeguards under Article 20(2) and Article 21 of the Constitution of India; that filing separate cases across three different jurisdictions by misleading each forum constitutes a classic abuse of the process of law; that the allegations in the impugned FIR are a verbatim copy of the existing complaint case in Srinagar, and as per the law laid down in *Amitbhai Anilchandra Shah v. CBI*, a second FIR on the same occurrence is impermissible; that no *prima facie* case is made out against the petitioner even if the allegations are assumed to be true at face value.

07. Respondent No. 1, in the status report submitted through the investigating agency, stated that FIR No. 327/2021 was registered on 01.11.2021 under Sections 469 and 505(2) IPC following the directions of the learned Budgam Magistrate. The complaint alleged that the company had organized an investment dialogue at Sejour Hotel, Humhama, on 18<sup>th</sup> and 19<sup>th</sup> of August 2021 following which the petitioner initiated a malicious Twitter trend captioned "Anti India WTC – TALIBAN – ACT" on 12.09.2021 to defame the company. It is submitted that during the investigation, screenshots and URLs of the alleged tweets were collected, and a verification request was sent to the Cyber Cell, Srinagar. The Cyber Cell confirmed the availability of the defamatory tweets but stated that identification of the actual users from Twitter Inc. was awaited.

08. The status report further mentions that the investigating agency verified an RTI report regarding a previous complaint filed by the petitioner against the respondent company at Police Station Sarita Vihar, New Delhi. The report from Delhi Police confirmed that the petitioner's complaint was investigated and closed as no cognizable offence was found. Respondent No. 1 further contended that despite being repeatedly contacted, the petitioner failed to cooperate with the investigation. However, further progress in the case has been stayed, pursuant to the interim directions passed by this Hon'ble Court.
09. Respondent No. 2, in its detailed objections, submitted that the petition is misconceived and legally untenable. It is contended that the petitioner has not approached this Court with clean hands and has suppressed material facts regarding connected proceedings; that the protection under Article 20(2) of the Constitution is not attracted because the two proceedings in J&K arise under distinct statutory provisions with different legal ingredients. One proceeding involves Sections 499 and 500 IPC (Defamation), while the impugned FIR involves Sections 469 and 505 IPC (Forgery and Public Mischief), which are separate and independent offences. Reliance was placed on the decision in *Monika Bedi v. State of Andhra Pradesh* to assert that a single act may constitute separate offences.
10. Respondent No. 2 further emphasized that the material collected during the investigation *prima facie* reveals the circulation of defamatory and provocative tweets through proxy accounts intended to damage the company's reputation and goodwill; that

the "Test of Sameness" does not apply as there is only one FIR registered, whereas the other proceeding is a private complaint. Furthermore, it is submitted that the petitioner has already moved an application under Section 210 Cr.P.C. before the learned CJM, Srinagar, seeking a stay on the complaint due to the pending FIR, and without awaiting the outcome of that application, he has filed the present petition, which should therefore be dismissed as premature and as an attempt to obstruct a lawful investigation.

11. Heard learned counsel for the petitioner and respondent No.1, perused the material on the file and considered. The complainant/respondent No.2 was unrepresented.
12. The learned counsel for the petitioner, while seeking the quashing of the impugned proceedings, vehemently argued that the respondent-company has resorted to "forum shopping" of the most egregious kind. He submitted that the petitioner is being victimized through a "multi-pronged legal attack" for exposing a massive real estate scam. The counsel highlighted that the respondent filed three separate cases at Srinagar, Budgam, and New Delhi based on the exact same set of allegations regarding a singular Twitter trend. It was further contended that the respondent deliberately suppressed the factum of the prior summoning order from the Srinagar Court while approaching the Budgam Court, and similarly concealed both J&K proceedings while filing a third case in Saket Court of New Delhi. This, according to the petitioner's counsel, is a textbook case of an abuse of the process of law aimed at exhausting the petitioner's resources and person, violating the "Test of Sameness" and the

fundamental protections guaranteed under Article 20(2) and Article 21 of the Constitution of India.

13. Per contra, the Dy. AG, appearing for Respondent No. 1, argued that the petition is legally untenable; that a single act can constitute multiple/distinct offences; while the complaint at Srinagar pertains to Defamation, the FIR at Budgam addresses Forgery and Public Mischief. The respondents' counsel emphasized that these are separate legal categories with different ingredients, and thus, the principle of "Double Jeopardy" does not apply. It was further submitted that the petitioner's conduct specifically his refusal to cooperate with the investigation and his use of "anti-national" narratives against the respondent-company, warranted the registration of the FIR.

14. A perusal of the record reveals a deeply concerning pattern of non-disclosure by Respondent No. 2. It is evident that the respondent successfully obtained a summoning order from the Court of the learned CJM, Srinagar, on 7<sup>th</sup> October 2021. Despite this, merely five days later, the respondent approached the Court at Budgam seeking the registration of an FIR on the exact same set of facts and allegations. At no point was the Budgam Magistrate informed that a competent court in a neighboring district had already taken cognizance of the matter. This deliberate concealment of prior proceedings suggests an attempt to obtain conflicting or cumulative judicial orders by keeping different courts in the dark. Such conduct amounts to a fraud on the court and a gross abuse of the judicial process.

15. The court notes that both the petitioner and the key officials of the respondent-company are residents of New Delhi. Yet, the respondent has chosen to trigger the criminal machinery in Srinagar, Budgam, and Saket (New Delhi) simultaneously. This "multi-jurisdictional" litigation strategy over a singular alleged act (Twitter Trend) is clearly designed to overawe the petitioner. By forcing the petitioner to defend himself in multiple far-flung forums, the respondent is using the law not as a shield for justice, but as a sword for harassment. The initiation of three parallel proceedings for the same transaction is a textbook example of "forum shopping," which is strictly prohibited by the principles of equity and criminal jurisprudence.
16. Upon a comparative analysis of the complaint filed in Srinagar and the FIR registered in Budgam, this Court finds that the allegations are not just similar or identical, they are virtually same. The "substratum" of the case remains the alleged social media activity. The respondent's attempt to justify the Budgam FIR by merely adding different sections of the IPC (Sections 469 and 505) while the Srinagar complaint covers Sections 499 and 500 is a transparent attempt to bypass the rule against multiple trials for the same incident. Splitting a single cause of action into multiple criminal cases by changing the nomenclature of the offences is legally impermissible and creates a dangerous precedent for judicial anarchy.
17. The contention of the respondents that proceedings in the complaint before the Court of learned CJM, Srinagar and the subject matter of the complaint leading to registration of the

impugned FIR, though based on the same facts were under different offences is not tenable being legally permissible. The facts of the same occurrence cannot be allowed to be broken into pieces so as to file multiple complaints. All the offences, arising out of the same occurrence are to be investigated and tried together is the scheme of criminal law. Both the complaints filed firstly at Srinagar on 07.10.2021 and then at Budgam on 13.10.2021, relate to the same occurrence of some proxy twitter trend “Anti India WTC-TALIBAN ACT” alleged to have been initiated on 12.09.2021 (10 AM) by the petitioner/accused against the function organized by the complainant/respondent No.2 at Humhama on the outskirts of Srinagar City of J&K under the theme of “Make in India/Digital India/Start Up India” on 18.08.2021. Both the complaints are carbon copy of each other. As such the complainant could have asked for proceeding for the commission of all the offences in its first complaint at Srinagar. Splitting of the different offences arising out of the same set of facts is precluded before different forums.

18. It is well settled that there cannot be multiple FIRs in respect of the same occurrence. The Supreme Court in “*T.T. Antony v. State of Kerala*, (2001) 6 SCC 181” observed that there cannot be a second FIR in respect of the same cognizable offence or occurrence and that all subsequent information must be treated as part of the same investigation. The Court cautioned that permitting successive FIRs would be contrary to the scheme of the Code and would result in abuse of process. The said principle was further reaffirmed in “*Amitbhai Anilchandra Shah v. CBI*”, (2013)

- 6 SCC 348**, wherein the Supreme Court observed that once an FIR has been registered and investigation has commenced, no second FIR on the same transaction is permissible and all further material must form part of the same investigation.
19. Applying the aforesaid principles, this Court finds that the substratum of allegations in the impugned FIR and earlier proceedings in a complaint before the Court of CJM Srinagar, is identical, namely the alleged social media activity forming the basis of criminal prosecution across multiple jurisdictions.
  20. The sequence of events strongly suggests that the impugned FIR was not filed for the bona fide purpose of investigating a crime, but rather as a tool to harass the petitioner. The reports that the petitioner has been stalked and harassed upon his visits to Srinagar further emphasize the malicious intent behind these proceedings. The criminal justice system cannot be allowed to be utilized as a tool for corporate vendetta or to settle personal scores through the systematic exhaustion of a citizen's resources and liberty.
  21. In light of the extensive findings regarding the suppression of facts, the verbatim facts in both the complaints firstly at Srinagar and then at Budgam, on the same set of facts and between the same parties regarding same alleged offences, the impugned FIR is the clear intent to harass the petitioner through multiple and parallel proceedings, this Court is of the firm view that the continuation of the subsequent Budgam FIR would be a travesty of justice, being gross abuse of process..

