2026 INSC 509

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO. OF 67/2025

AMIT KATYAL & ANR. .... PETITIONER(S)

VERSUS

STATE OF HARYANA & ANR. .....RESPONDENT(S)

J U D G M E N T

PRASANNA B. VARALE, J

FACTUAL MATRIX

1. The present writ petition, filed under Article 32 of the Constitution of India, has been instituted by the petitioners seeking appropriate directions from this Court for clubbing/transfer of multiple First Information Reports registered against them in different jurisdictions, arising out of the same set of transactions pertaining to the real estate project "Brahma City/Krrish World", so as to obviate multiplicity of proceedings and enable the petitioners to effectively defend themselves in the criminal proceedings. The facts leading to this Writ petition is thus:

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Reason:

2. The petitioners no.1 and 2 were the Directors in a company M/s Krrish Realtech Pvt. Ltd, which had launched several real estate projects, including a project namely 'Brahma City' / 'Krrish World', and had accepted bookings from the homebuyers towards sale of the plots in the said project.

3. The said Project got delayed and stuck on account of various reasons beyond the control of the petitioners, and as such, the petitioners could not deliver the possession of plots to all the homebuyers, which led to filing of several FIRs against them. Out of several FIRs, an FIR No. 30/2019 was registered by Economic Offence Wing of Delhi Police (EOW), in which the complaints made by 83 homebuyers/victims were clubbed and investigated. The other aspects, including the allegations of committing cheating with the homebuyers and diverting funds received from the homebuyers to other holding companies and misappropriating such funds for personal gains were also subject matter of investigation by the Economic Offence Wing. Subsequently, complaints made by approximately 28 other home buyers were being investigated by the EOW in the said FIR. The following FIRs have been registered with Economic Offence Wing ('EOW'), New Delhi against the petitioners and other associated with the real estate projects of M/s Krrish Realtech Pvt. Ltd. :-

S.NO	FIR NO	COMPLAINANT	SUBJECT MATTER OF FIR	POLICE STATION
1	52/2016	M/S IMPERIA STRUCTURES LTD	Related to not delivering the possession of	EOW,Delhi

			the sold plots nor refunding the amount	
2.	30/2019	Mr.Atul Aggarwal(Complaints of 83 other victims clubbed)	Related to not delivering the possession of the sold plots nor refunding the amount	EOW,Delhi
3.	178/2020	M.K .Jain	Related to of receiving funds from complainant by assuring him to allot plots in project 'Brahma City' and flats in another project in lieu thereof.	EOW,Delhi
4.	30/2022	P.K Bindal	Complainant has alleged to have paid sum of Rs.35 crore to the accused in lieu of 42 flats, which were never given to him.	EOW,Delhi
5.	176/2022	M.S Piyal puri	Non-Delivery of units in project Monde De provence	EOW,Delhi

4. However, some other aggrieved victims chose to lodge FIRs at Haryana on almost the same allegations of not delivering the plots

and of misappropriating the money paid by homebuyers/ investors by the petitioners. Two FIRs i.e, FIR No. 221/2013 PS Sector 55, 56 Gurgaon and FIR No. 674/2013 PS Gurgaon Sadar were registered against the accused company and its directors at Gurugram in respect of the said project The petitioners and the concerned accused company, however, showing their bonafide, settled the matters with a few homebuyers and refunded the amount and consequently, the said FIRs were quashed.

5. The FIR No. 221/2013 PS Sector 55, 56 Gurgaon was quashed on the basis of settlement between the parties, by the Hon'ble Punjab & Haryana High Court at Chandigarh vide order dated 11.03.2014 passed in CRM-M-40033 of 2013.

6. The FIR No. 674/2013 PS Sadar, Gurgaon was quashed on the basis of settlement between the parties, by the Hon'ble Punjab & Haryana High Court at Chandigarh vide order dated 09.07.2015 passed in CRM-M-36606 of 2013.

7. On 02.05.2016, an FIR No. 52/2016 under Sections 406, 420 and 120B Indian Penal Code, 1860 was registered at Economic Offence Wing, Delhi against M/s Brahma City Pvt. Ltd. and M/s Krrish Realtech Pvt. Ltd. pertaining to the project 'Brahma City' on the allegations that an Agreement/MoU was entered into by the accused company with the complainant M/s Imperia Structures Ltd. to allot plots in the said project and had even obtained the

money despite the fact that there were no plots available with the accused company for allotment.

8. On 07.03.2019, another FIR being FIR No. 30/2019 under Sections 409, 420 and 120B Indian Penal Code, 1860 was registered at Economic Offence Wing, Delhi against M/s Brahma City Pvt. Ltd. and M/s Krrish Realtech Pvt. Ltd. on various allegations pertaining to the project Brahma City. The complaints received by as many as 83 home-buyers were clubbed with the said FIR and were investigated by the Economic Offence Wing of the Delhi Police.

9. On 18.04.2019, it was submitted by Investigating Agency from the investigation conducted by the Agency, it is revealed that there was no element of any misrepresentation or concealment. The transactions between the parties, were clearly civil in nature and no criminal act of inducement or misrepresentation and concealment could be established against the alleged accused persons and a Final Report (cancellation) was filed in respect of FIR No. 52 of 2016, PS EOW, Distt. EOW(South), before the court of Ld. CMM (New Delhi District), Patiala House Courts and consigned the same to record.

10. On 06.11.2020, another FIR No. 178/2020 under Sections 406, 420 and 120B Indian Penal Code, 1860 was registered at Economic Offence Wing, Delhi against M/s Krrish Realtech Pvt. Ltd., petitioners Amit Katyal, and others on the allegations of

cheating by inducing the complainant to invest and pay money to the accused persons by inter-alia offering 15-plots in the project 'Brahma City'. It was alleged that no such allotment was made or was legally permissible and the amount paid to the accused was not refunded.

11. On 17.02.2022, another FIR No. 30/2022 under Sections 406, 420 and 120B Indian Penal Code, 1860 was registered at Economic Offence Wing, Delhi against petitioners Amit Katyal and Rajesh Katyal, M/s Angle Infrastructure Pvt. Ltd. and others on the allegations that the accused had induced the complainant to pay a sum of Rs.35 crore in lieu of 42 flats in Project Florance Estate, Sector 70, Gurguram, which were never given to him nor money was refunded.

12. On 19.05.2022, a Final Report / Charge-sheet was filed against the petitioners Amit Katyal and other accused in which it was stated that the accused persons had cheated the homebuyers and had misappropriated the amount received from them in various holding companies. Complaint received from 83 victims were clubbed and investigated and after investigation, report was filed before the jurisdictional court to the effect that the accused persons had prima-facie committed offence under Section 406/420/120-B IPC. The investigation was kept pending on other aspects. The Ld. Trial Court has since taken cognizance and the trial is pending.

13. On 14.12.2022, another FIR being FIR No. 176/2022 under Sections 406, 420 and 120B Indian Penal Code, 1860 was registered at Economic Offence Wing, Delhi against petitioners Amit Katyal, M/s Krrish Realty Nirman Pvt. Ltd. and others on the allegations that the accused had induced the complainant to book flats in their project 'De Provence' at Gwal Pahari, Gurugram but had failed to complete the project and to handover the possession thereof despite complete payment made to the accused.

14. The matter reached this Hon'ble Court in SLP(C) No. 6013 Of 2022 filed by M/s. Krrish Realtech Pvt. Ltd. after the concerned authorities had cancelled the development license and had restrained M/s Krrish Realtech Pvt. Ltd. to create third party rights in the subject land and the Hon'ble High Court did not granted interim relief in Writ Petition filed against the same by M/s Krrish Realtech Pvt. Ltd. This Hon'ble Court was pleased to appoint Hon'ble Ms. Justice Gita Mittal as a Referee to prepare a comprehensive chart with details of all the allottees in the project Brahma City with status as to their allotment, payment status, area, etc. The petitioners are not reproducing the proceedings in the said petition before this Hon'ble Court, in view of the narrow scope of the present writ petition. However, in view of the above, the Hon'ble Delhi High Court in a writ petition filed by M/s Krrish Realtech Pvt. Ltd. directed the respondents to maintain status-quo taking note of the fact that one Charge Sheet has already been filed, but the supplementary Charge Sheet in respect of other victims is yet to be filed. On 18.10.2024, the petitioner Rajesh Katyal was arrested by the Directorate of Enforcement, which had

registered an ECIR/GNZO/04/2023 on the basis of multiple FIRs against the petitioners. The grounds for arrest furnished to the petitioners also revealed that the same were based on the predicate offences in various FIRs registered against the petitioners. on 19.10.2024, the summoning order vide which accused were summoned to face the trial by the trial court in the proceedings arising out of FIR No. 30/2022 PS EOW was set aside in revision by the Ld. ASJ, South District, Saket Court, New Delhi. The petitioner Rajesh Katyal was granted bail on 14.11.2024, yet another FIR i.e. FIR No. 439/2024 was registered on 21.12.2024 at PS Sector-65, Gurugram, Haryana and the petitioners yet again are facing threats of being arrested in the said FIR. The said FIR is also on primarily the same allegations that the petitioners had duped the homebuyers and have misappropriated the said amount by diverting it through various shell companies. It is pertinent to state that the said allegations also form subject matter of the FIR No. 30/2019 PS EOW, Delhi which also pertains to cheating of the homebuyers of the same project. It is submitted that severe prejudice is being caused to the petitioners on account of repeated FIRs across two states by different investigating agencies pertaining to the same allegations pertaining to the same project. The FIR No. 439/2024 registered subsequently at PS Gurugram, Haryana also refers to the earlier FIR being investigated by the EOW, Delhi in which main chargesheet has already been filed. The petitioner Amit Katyal is in judicial custody at present in some other FIR. Hence the petitioner filed this Writ petition with following prayer (A) clubbing / transferring of F.I.R No. 439/2024, PS, Sector-65, Gurugram, Haryana with FIR NO.30/2019, PS.

Economic Offence wing, Delhi or transferring it to any appropriate Investigating Agency/Court in the State of Delhi as deemed fit by this Hon'ble Court. (B) To further direct that no coercive action against the Petitioners be taken in respect of any FIRs which may be registered in future on the basis of the same transactions i.e., transactions pertaining to allotment of plots in the Project 'Brahma City' / 'Krish World' by M/s. Krrish Realtech Private Limited.

CONTENTIONS

15. Learned senior Counsel for the petitioners contended that several FIRs have been registered in Delhi (EOW) and Haryana based on the same real estate project ("Brahma City / Krrish World"). FIR No. 30/2019 (EOW Delhi) already clubbed complaints of 83 homebuyers and is under investigation/trial. Subsequent FIR (No. 439/2024, Gurugram) is based on identical allegations such as cheating, non-delivery of the plots/flats to the respective home buyers, siphoning of the amount paid by the home buyers/transferring the said amount to other companies, and/or diverting the amounts in other projects. Learned senior counsel for the Petitioner further submitted that at the most, the Petitioner could have been fastened with the civil liability for an alleged breach of agreement. In support of his submission, learned counsel further submitted the final report in one of the cases namely, FIR NO. 52/2016. The Investigating Agency i.e. the Economic Offences Wing, Delhi Police, submitted that the transactions between the parties were clearly civil in nature and

the Agency was unable to find any criminal act being committed by the Petitioners for the alleged offences.

16. Learned senior counsel further submitted that lodgement of multiple FIRs at different places causes serious prejudice to the petitioners and the same would amount to an act of double jeopardy against the petitioners and there would be a consistent hanging sword of coercive action against the petitioners, namely effecting his arrest.

17. Mr. S.V. Raju, learned ASG representing the State of Haryana while opposing the petition submits that there are serious allegations against the petitioners. The scope of alleged misdeeds by the petitioners is not limited only to one State but the offences are committed in different States. Petitioners have cheated a large number of innocent homebuyers who have invested their entire earnings in these projects with a hope of shelter. Considering the nature and scope of offences, the Investigating Agency will have to undertake an exercise of thorough investigation. Considering the accusations against the petitioners of siphoning the amount and transferring the amount in other projects, the Investigating Agency will have to unearth the trail of money. Considering the serious allegations against the petitioners, the Haryana State Police constituted the Special Investigation Team (SIT) and the same has carried out the extensive investigation.

18. Mrs. Aishwarya Bhati, learned ASG submitted that pursuant to the FIR registered in Delhi, the Delhi Police undertook the exercise of investigation and was under the process of investigation. It is further submitted that as the Petitioners have approached the Court and certain interim orders in the nature of restraining the Agency from taking coercive steps were passed against the Petitioners, Delhi Police could not proceed with further investigation.

19. Mrs. Bhati, in her usual fairness submitted that without prejudice to the rights of Delhi Police, Delhi Police is having no objection if the investigation is conducted through one Agency as this Court deem fit.

ANALYSIS

20. We have carefully considered the submissions advanced by learned Counsels. The question that falls for our consideration is whether the FIRs should be clubbed or not ?

21. This Court in ***T.T Antony vs State of Kerala***[1] held thus:

> "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

[1] (2001) 6 SCC181

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 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 // 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 IIR 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".

"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, 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 PIR in the station house diary, the officer in charge of a police station has to investigate not

merely the cognizable offenee reported in the PIR 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".

22. Further this court in ***Arnab Goswami vs Union of India***[2], ***Amish Devgan vs Union of India*** [3] and ***Mohd.zubair vs NCT Delhi***[4] reaffirmed the above legal proposition.

CONCLUSION

23. The material produced before us show that though the FIRs were registered at various places i.e. some in Delhi and some in Haryana, a common thread in the nature of grievances raised by the complainants, who are primarily homebuyers, that in spite of an assurance given by the petitioners and money accepted by the petitioners, the petitioners failed to hand over the possession of flats to the respective homebuyers. Insofar as the allegation in respect of transfer of money is concerned, it is only in the FIR complaint registered at Haryana and as certain properties are situated in State of Haryana, the Enforcement Directorate entered in the scene. Admittedly, in one of the FIR registered in New Delhi namely, FIR No. 52 of 2016, though there were allegations of common offences under Section 406/420 and 120 IPC against the petitioners, the final report submitted by the Investigating Agency i.e. the Economic Offences Wing submitted that the transactions

[2] (2020)14 SCC 12
[3] (2021) 1 SCC 1
[4] (2023) 16 SCC 764

between the parties were clearly civil in nature and no inducement/misrepresentation/concealment could be established. There is also some merit in the submissions of the learned senior counsel for the Petitioners that the multiplicity of the offences registered at various places would cause some prejudice to the Petitioners. It is submitted by Mr. Raju that considering the nature of allegations, the Haryana Police constituted SIT and an extensive investigation is carried out by the Haryana Police. Mrs. Bhati submitted that Delhi Police is having no objection if the investigation is carried out by Haryana Police.

24. In such a situation, the principle laid down in T.T. Antony v. State of Kerala (Supra), as consistently reaffirmed in subsequent decisions of this Court, squarely applies, inasmuch as there cannot be multiple FIRs in respect of the same occurrence or transaction giving rise to cognizable offences. The scheme of the Code of Criminal Procedure postulates a single, comprehensive investigation, with liberty to the investigating agency to conduct further investigation and file supplementary reports, rather than permitting parallel and overlapping investigations in different fora.

25. Permitting multiple FIRs and investigations in different jurisdictions on the same set of facts would not only be contrary to the settled legal position but would also result in avoidable multiplicity of proceedings, conflicting findings and serious prejudice to the petitioners. At the same time, consolidation of

such FIRs at one place would subserve the ends of justice by ensuring a coordinated, effective and complete investigation, while also safeguarding the right of the petitioners to mount an effective and meaningful defence in a singular proceeding.

26. This Court is of the considered opinion that the subsequent FIR bearing No. 439/2024 registered at Police Station Sector-65, Gurugram, Haryana arises out of the same set of allegations and forms part of the same transaction which is already the subject matter of FIR No. 30/2019 registered at the Economic Offences Wing, Delhi. Permitting parallel investigations in such circumstances would not only be contrary to the scheme of the Code of Criminal Procedure but would also result in manifest prejudice to the petitioners and multiplicity of proceedings.

27. Accordingly, prayer (A) deserves to be allowed, and it is directed that FIR No. 30/2019, PS Economic Offences Wing, Delhi, shall stand transferred and clubbed with FIR No. 439/2024, PS Sector-65, Gurugram, Haryana to be investigated in accordance with law.

28. So far as prayer (B) is concerned, the same is declined. It is neither appropriate nor permissible for this Court to grant a blanket direction restraining coercive steps in respect of future FIRs. However, it is clarified that in the event of any such FIR is registered on the basis of the same transaction, it shall be open to the petitioners to avail such remedies as may be available to them in law.

29. The writ petition is accordingly partly allowed in the aforesaid terms. Pending applications, if any, shall stand disposed of. No costs as to order.

.....J.

[PANKAJ MITHAL]

.....J.

[PRASANNA B. VARALE]

NEW DELHI;

MAY 18, 2026.