



2026:GAU-AS:12335

THE GAUHATI HIGH COURT AT GUWAHATI
(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

PRINCIPAL SEAT AT GUWAHATI

W.P.(CrI.) No. 43/2022

1. Alok Sarkar, S/o-Late Amal Sarkar, residing at Flat No. 2B, Nilakshi Apartment, Sewali Path, Hatigaon, Guwahati-781038, District- Kamrup (M), Assam.

.....*Petitioner*

Versus

1. The State of Assam, represented by Commissioner and Secretary to the Govt of Assam, Home and Political Department.
2. State of Assam, represented by the Public Prosecutor Assam.
3. The Officer-In-Charge Rangia Police Station, Rangia, Main Road Rangia-781354.
4. The Officer-In-Charge Dispur Police Station, Dispur G.S. Road Guwahati-781014.
5. The Officer-In-Charge, Tihu Police Station, Near Tihu Bazar Nalbari-781371.
6. The Officer-In-Charge, Dhula Police Station, Mazgaon Darrang-784115.
7. Madan Kalita S/O Late Padma Ram Kalita, R/O Vill- 3 No. Hosong, P.O.-Madhukuchi P.S.-Baihata Chariali, Dist- Kamrup (R), Pin-781381.
8. Smt. Amjuma Rajbongshi, R/O Vill-Barghuli, P.S.-Rangia Dist-Kamrup(R), Pin-781364.
9. Haricharan Kalita, S/O Late Rohit Kalita, R/O Vill-Haribhanga Bolethersupa, P.S.-Tihu, Dist- Nalbari Pin-781371.

10.Salam Ali, R/O Vill-Baghpuri Mangaldoi, P.S.-Dhula Dist-
Darrang, Pin-784146.

.....Respondents

For the Petitioner(s) : Mr. S. Das, Advocate.

.....Advocate(s)

For the Respondent(s) : Mr. D. Nath, Senior Advocate.
Mr. P.D. Bhuyan, Advocate.

.....Advocate(s)

**BEFORE
HON'BLE MR. JUSTICE ANJAN MONI KALITA**

Date(s) of Hearing :- 09.06.2026, 11.06.2026

Date on which judgment is reserved :- 11.06.2026

Date of pronouncement of judgment :- 27.08.2026

Whether the pronouncement is of the operative part of the judgment? :- N/A

Whether the full judgment has been pronounced? :- Yes

JUDGMENT AND ORDER (CAV)

(A.M. Kalita, J)

Heard Mr. S. Das, learned counsel, appearing for the petitioner. Also heard Mr. D. Nath, learned Senior Government Advocate, Assam, appearing for respondent nos. 1 to 6 as well as Mr. P. D. Bhuyan, learned counsel, appearing for the respondent nos. 7 to 10.

2. The instant application under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, challenging the registration and thereafter investigation in successive multiple FIRs by different police stations in different parts of the State of Assam based on same allegations by different persons. And, therefore, praying for clubbing

of all successive FIRs or complaints with the first FIR being Rangia P.S. Case No. 673/2022 for being investigated at the same police station, i.e., Rangia Police Station.

3. The facts leading to the filing of the instant petition are summarized herein below: -

3.1. The respondent no. 7, namely, Madan Kalita and others, vide a letter of complaint dated 13.09.2022 lodged an FIR against the petitioner and another before the Officer-in-Charge, Dispur Police Station, alleging, inter alia, that in the year 2016–19, an amount of Rs. 80 crores was sanctioned for skill development training, which was allotted to two private companies, being Ajitaaksh Ventures Private Limited and Gargo Institute of Technology; that the said two companies created a list of more than 20,000 fake laborers (beneficiaries); that the said two companies, by imparting training sessions for 2–3 days, captured videos and photographs of training sessions to show that training was imparted for 2 months (60 days); that the two companies presented fake food bills and siphoned off the entire money; that the two companies deprived the beneficiaries from certificates and government stipends; that the two companies siphoned off Rs. 25,000/- to Rs. 27,000/- in the name of imparting training program to the laborers; that the two said companies created fake food bills of Rs. 50,000/- per head and siphoned off the money; that the petitioner used to manage the functioning of the said two companies; that the said two companies deprived the beneficiaries of wage compensation of Rs. 280/- per day and Rs. 35/- per hour (8 hours daily) for 60 days (Rs. 280 x 8 x 50 = Rs. 16,800/-); that by giving a sum of

Rs. 16,800/- to some laborers, the project was shown to be completed.

3.2. On receipt of the aforesaid FIR, the police registered Dispur P.S. Case No. 2098/2022, under Sections 120(B)/420/406/471 of IPC.

3.3. The complainants in the aforesaid FIR alleged that they are the trainees of the skill development program floated by Labour Department, Government of Assam, who had received training from the company, namely, Ajitaaksh Ventures Private Limited, wherein the petitioner is the CEO of the aforesaid company.

3.4. During the course of the investigation of Dispur P.S. Case No. 2098/2022, the petitioner was served with a notice under Section 41A of the Cr.P.C., and the petitioner accordingly appeared before the Investigating Officer and recorded his statement before the Investigating Officer on 17.10.2022.

3.5. The petitioner was also served with a notice under Section 91 of Cr.P.C. on 24.10.2022, directing the petitioner to produce certain documents and records within 10 days and in compliance of the aforesaid notice, on 03.11.2022, the petitioner went to Dispur Police Station to submit the relevant documents and records. However, on that very day, the petitioner was informed by the I.O. of the aforesaid Dispur police station case that the learned Special Judicial Magistrate First Class, Kamrup (M) transferred the aforesaid FIR lodged on 13.09.2022 to Rangia Police Station on 29.10.2022 as a prayer was made by the I.O. citing want of jurisdiction. It is contended that petitioner has been waiting for the

investigation to be done by the Rangia Police Station, however, nothing has happened till date.

3.6. Though, after the transfer of the aforesaid Dispur Police Station case, the same has been registered as Rangia Police Station Case No. 673/2022 on 04.11.2022 under Sections 120(B)/420/406/468/471 of the Indian Penal Code.

3.7. Thereafter, on 26.09.2022, respondent No. 8, namely Smt. Anjuma Rajbongshi and others, lodged an FIR before the Officer-in-Charge, Rangia Police Station, which was registered as Rangia Police Station Case No. 596/2022 under Sections 120(B)/420/406/468 of the Indian Penal Code.

3.8. It is the contention of the petitioner that a bare perusal of the FIR dated 26.09.2022, reveals that the allegations contained in the said FIR are exact verbatim of the same allegations as contained in the FIR dated 13.09.2022, filed by the respondent No. 7 at Dispur Police Station. It is stated that the Second FIR, i.e., FIR dated 26.09.2022 has been transferred to Dispur Police Station by the learned Sub-Divisional Judicial Magistrate First Class, Rangia on 29.10.2022 pursuant to a prayer made by the I.O. of the Rangia Police Station Case No. 596/2022 and subsequently, the same has been registered as Dispur P.S. Case No. 2365/2022.

3.9. Thereafter, on 14.10.2022, another FIR was lodged by respondent No. 9, namely, Haricharan Kalita and others, before the Officer-in-Charge, Tihu Police Station, which was registered as Tihu P.S. Case No. 100/2022 dated 15.10.2022, under Sections 120(B)/420/406/468/471 of the Indian Penal Code.

3.10. It is the contention of the petitioner that the contents of the FIR dated 14.10.2022 are exactly the same as mentioned in the earlier FIRs dated 13.09.2022 and 26.09.2022 filed by the respondent Nos. 7 and 8 respectively, except to the fact that in the FIR before the Tihu Police Station, the complainants had alleged one Anusuya Dutta Baruah, former Assistant Commissioner and one Prathajit Das, former Project Manager of Assam Building and Other Construction Workers Welfare Board (in short ABOCWFB), to be involved in the alleged commission of offence.

3.11. On 16.11.2022, the respondent No. 10, namely, Salam Ali and others filed an FIR before the Officer-in-Charge, Dhula Police Station, which was registered as Dhula P.S. Case No. 268/2022, under Sections 120(B)/420/406/468 of the Indian Penal Code.

3.12. It is the contention of the petitioner that the allegations in the FIR dated 16.11.2022 are also the same and exact as the allegations that have been made in earlier FIRs dated 13.09.2022, 26.09.2022, and 14.10.2022 respectively.

3.13. It is the contention of the petitioner that the allegations leveled against the petitioner in all the four FIRs are exactly the same and the multiple FIRs have been filed with baseless, untrue, false and incorrect allegations only to harass the petitioner.

3.14. Being so faced with multiple FIRs, the petitioner has filed this instant petition praying, amongst others, for consolidating and/or clubbing all successive FIRs, i.e., Dispur P.S. Case No. 2365/2022, Tihu P.S. Case No. 100/2022, Dhula

P.S. Case No. 268/2022 against the petitioner with the first FIR, i.e., Rangia P.S. Case No. 673/2022 for being investigated at the same police station by Rangia Police Station.

4. Mr. S. Das, learned counsel appearing for the petitioner, submits that the allegations made in the FIRs are mala fide and vexatious and made with ulterior motive, just to harass the petitioner. He submits that perusal of all the aforesaid four FIRs filed against the petitioner, it can be seen that the allegations are exactly the same, though the FIRs have been filed by different complainants. He submits that the aforesaid fact clearly shows that all the four FIRs have been filed with premeditated mind by the complainants in different police stations only to harass the petitioner. He submits that filing of multiple FIRs alleging the same allegations and offence in different districts is a gross abuse of the process of law and the same has been done only to harass the petitioner with mala fide and ulterior motives after lapse of 3 years since the completion of the aforesaid Skill Development Programme.

5. The learned counsel submits that under the provisions of Sections 154, 155, 156, 157, 162, 169, 170 and 173 of the Cr.P.C., only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 Cr.P.C. Therefore, there cannot be a second FIR and consequently, there cannot be any fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or the same occurrence or incidents giving rise to one or more cognizable offences.

6. The learned counsel submits that it is trite law that the right of the police to investigate into a cognizable offense is a statutory right over which the Court does not possess any supervisory jurisdiction

under the Cr.P.C. The plenary power of the police to investigate a cognizable offense is, however, not unlimited and the same is subject to well-recognized limitations. He submits that where the police transgresses its statutory power of investigation, the High Court, under Section 482 Cr.P.C. or Article 226/227 of the Constitution of India, can interdict the investigation to prevent abuse of the process of the court, or otherwise to secure the ends of justice.

7. The learned counsel for the petitioner submits that subjecting an individual to numerous proceedings arising in different police stations in different districts on the basis of the same cause of action cannot be accepted. A fresh investigation or a second FIR on the basis of the same or connected cognizable offense would constitute an abuse of the statutory power of investigation and a gross misuse of the State machinery.

8. In view of the aforesaid submissions, the learned counsel submits that the subsequent FIRs lodged by the complainants after the lodging and registration of Rangia Police Station Case No. 673/2022 are totally untenable under the law and independent investigations and trials in the aforesaid cases, if allowed, will cause immense hardship to the petitioner. Therefore, he prays that the subsequent FIRs after the first FIR, i.e., Rangia P.S. Case No. 673/2022 may be transferred to the Rangia Police Station and clubbed all the successive FIRs with the Rangia P.S. Case No. 673/2022.

9. In support of his submissions, the learned counsel has referred to the following cases: -

- (1) **T.T. Antony v. State of Kerala & Ors., reported in (2001) 6 SCC 181;**

- (2) **Babubhai v. State of Gujarat & Ors., reported in (2010) 12 SCC 254;**
- (3) **Anju Chaudhary v. State of Uttar Pradesh & Anr., reported in (2013) 6 SCC 384;**
- (4) **Amit Katyal & Anr. v. State of Haryana & Anr., reported in 2026 SCC OnLine SC 890;**
- (5) **Pranab Jyoti Barman v. Union of India & Ors., reported in (2021) 4 GLR 43.**

10. *Per contra*, Mr. D. Nath, learned Senior Government Advocate, submits that the primary prayer made in the instant writ petition cannot be allowed due to the sole fact that all four FIRs have been filed by different complainants, residing in different places and districts, arising out of different cause of actions. He submits that though the allegations are of a similar nature, the parties are different and the investigations are yet to be properly started in the aforesaid FIRs. He submits that one of the FIRs, namely, the FIR filed before the Tihu Police Station also contains allegations against two government officials, which makes this FIR distinguishable from the other FIRs. He submits that though the Hon'ble Supreme Court in several cases under Article 32 and Article 142 of the Constitution of India has allowed the clubbing of multiple FIRs, however, in the instant case, the same cannot be done due to the distinguishing factors in the aforesaid FIRs. He submits that in each case, the facts and circumstances are different and taking that into account the fact that a straight jacket formula for clubbing all multiple FIRs cannot be done. He submits that where incidents occurred at different times involving different persons, with no commonality of purpose and thereafter, emerged from different circumstances, they cannot be termed as forming part of the same transaction or offense. Therefore, different FIRs cannot be clubbed together. He further

submits that clubbing all the FIRs will cause a lot of difficulties to the complainants, as they reside in different places and would have to travel to Rangia to participate in the trial if it proceeds. An accused person cannot be given the right to choose the place of his trial.

11. In support of his submissions, the learned Senior Government Advocate has referred to the following cases: -

1. Pramod Kumar Saxena v. Union of India & Ors., reported in (2008) 9 SCC 685;

2. Anju Chaudhary v. State of Uttar Pradesh & Anr., reported in (2013) 6 SCC 384.

12. The respondents, i.e., the State respondent as well as the private respondents have filed their affidavits-in-opposition contesting the contentions of the petitioner in the instant case and the petitioner has also filed his affidavit-in-reply against the affidavits-in-opposition filed by the respondents.

13. From the facts and records, the following FIRs can be seen to have been filed against the petitioner. The same are provided in the following chart: -

SL. No.	Chronology of FIR	Date of Information	FIR No.	Complainants
1.	First FIR	13.09.2022	Dispur P.S. Case No. 2098/2022, subsequently transferred to Rangia Police Station being Rangia P.S. Case No. 673/2022	Madan Kalita & 19 Others
2.	Second FIR	26.09.2022	Rangia P.S. Case No. 596/2022, subsequently transferred	Anjuma Rajbongshi & Others

			to Dispur Police Station being Dispur P.S. Case No. 2365/2022	
3.	Third FIR	14.10.2022	Tihu P.S. Case No. 100/2022	Haricharan Kalita & 13 Others
4.	Fourth FIR	15.11.2022	Dhula P.S. Case No. 268/2022	Salam Ali & 9 Others

14. Now, it would be relevant to refer to the first FIR, dated 13.09.2022, filed before the Officer-in-Charge, Dispur Police Station, which has been subsequently transferred to Rangia Police Station and registered as Rangia P.S. Case No. 673/2022. The contents of the FIR, being relevant, are extracted herein below: -

**“To
The officer -In- Charge
Dispur Police Station, Dispur, Guwahati- 6**

Name and address of the accused:

1. Sri Amarjyoti Khanikar, s/o- Late Amulya Khanikar, Director of Ajitakash Ventures Private Limited, Registered office at Silver Square Building, Christain Basti, G.S. Road, Guwahati- 781005, District of Kamrup (M), Assam.

2. Sri Alok Sarkar, S/o- Late Amal Sarkar, resident of Flat No. 2B, Nilakshi Apartment, Sewali Path, Hatigaon, Guwahati- 38, District-Kamrup (M), Assam.

Sub: Ejahar

Sir,

We, the undersigned labourers residing with the jurisdiction of Rangia Police Station have the honour to state with a heavy heart that an amount of Rs. 80 Crore was sanctioned to Ajitakash Ventures Private Limited, Gargo Institute of Technology and Puberon, to

impart training to the labourers under Skill Training Pilot Project Phase I, 2016-19. But the three organisation prepared list of more than twenty thousand fake labourers and beneficiaries, made fake photographs and videos of imparting training to the labourers and received the entire money for imparting training for two months (60 days) just by imparting training to the labourers for two or three days and misappropriated the entire money. The organisations also received money in the name of providing food to the labourers for the entire training period by submitting fake bills and misappropriated the money.

1) They deprived the labourers undergoing training from certification and government stipend.

2) Ajitaksh Ventures and Gargo instituted received an amount ranging from Rs. 25,000/- to Rs. 27,000/- against every labourer in the name of imparting training to the labourers. Besides, the organisations received money in the name of providing food to the labourers by submitting fake bills and also received Rs. 50/- from every labourer in the name of registration.

3) The organisations deprived every labourer from an amount of Rs. 16,800/- i.e. Rs. 35/- per hour (8 hours daily) for 60 days (Rs. 280/- $\times 8 \times 50 = 16,800/-$) The project was completed by giving Rs. 16,800/- to some of the labourers.

We, therefore, earnestly pray to the your good self to be kind enough to investigate the matter, to ensure punishment to the culprits and to ensure that the labourers get their dues and oblige.

Yours faithfully

Signature of the deprived labourers

1. Sri Madan Kalita, Ph;7576856538

And Others (47 persons)

Received and Registered Dispur P.S. Case No. 2098/22 under Section 120B/420/406/468/471 I.P.C, S.I. Jitendra Singh will investigate the case.

S/d illegible

Officer In- Charge
Dispur Police Station
Guwahati, 13/9/22”

Received vide Rangia P.S. GDE No. 809/2022 dated
04.11.2022 and registered Rangia P.S. Case No. 673 under section
120B/420/406/468/471 I.P.C. and intrusted to S.I.....

s/d illegible

Officer In charge
Rangia Police Station”

15. On perusal of the contents of the FIR and comparing the same with the subsequent three FIRs dated 26.09.2022, 14.10.2022 and 15.11.2022, it can be seen that the allegations in the FIRs are exactly the same. The only exception that is noticeable is that in the FIR dated 14.10.2022 filed before the Tihu Police Station, in addition to the petitioner and one Amarjyoti Khanikar, the names of two other accused persons have been included, namely, one Anusuya Dutta Barua, former Assistant Commissioner, and one Prathajit Das, former Project Manager of Assam Building and Other Construction Workers Welfare Board (ABOCWWB). Therefore, it is apparent that the allegations made in the aforesaid four FIRs are the same and the accused persons are also the same, except for the addition of two other persons in the FIR dated 14.10.2022.

16. The issue regarding filing of the first FIR and subsequent filing of the second FIR, has been dealt with by the Hon’ble Apex Court in the case of **T.T. Antony (supra)**, wherein the Hon’ble Apex Court discussed in details about the procedure of filing of the First

Information Report and its consequences. In this regard, the following observations of the Hon'ble Apex Court being relevant are extracted herein below: -

“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 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 information 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 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 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 unknown person or knowing that *W* is killed by his mother or sister, *H* owns up the responsibility and during the 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.

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 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.”

17. In the aforesaid case of *T.T. Antony (supra)*, the Hon’ble Apex Court has also discussed the right of police to investigate into a cognizable offence, which is a statutory right over which the court does not possess any supervisory jurisdiction under the CrPC. However, it is mentioned that the plenary power of the police to investigate a cognizable offence is not unlimited, and the same is subject to certain well-recognized limitations. It is also mentioned that where the police transgresses its statutory power of investigation, the High Court under Section 482 CrPC or Article 226/227 of the Constitution in an appropriate case, can interdict the investigation to prevent the abuse of process of court or otherwise to secure the ends of justice. The Hon’ble Apex Court in the aforesaid case, in respect of the successive FIRs, has observed as follows: -

“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* 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.”

18. From the above observations of the Hon’ble Apex Court, it is discernible that on the same facts and same allegations, two FIRs cannot coexist. In that event, coexisting being clearly beyond the purview of Sections 154 and 156 of CrPC. It is also discernible from the aforesaid observation that fresh investigation based upon 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, then the subsequent FIR may be an abuse of power and in that event, the same shall be a fit case for exercise of power under Section 482 of CrPC or under Articles 226/227 of the Constitution.

19. Following the same principle of law, the Hon’ble Apex Court in the case of ***Babubhai (supra)*** has observed as follows: -

“20. Thus, in view of the above, the law on the subject emerges to the effect that an FIR under Section 154 CrPC is a very important document. It is the first information of a cognizable offence recorded by the officer in charge of the police station. It sets the

machinery of criminal law in motion and marks the commencement of the investigation which ends with the formation of an opinion under Section 169 or 170 CrPC, as the case may be, and forwarding of a police report under Section 173 CrPC. Thus, it is quite possible that more than one piece of information be given to the police officer in charge of the police station in respect of the same incident involving one or more than one cognizable offences. In such a case he need not enter each piece of information in the diary. All other information given orally or in writing after the commencement of the investigation into the facts mentioned in the first information report will be statements falling under Section 162 CrPC.”

21. In such a case, the court has to examine the facts and circumstances giving rise to both the FIRs and the test of sameness is to be applied to find out whether both the FIRs relate to the same incident in respect of the same occurrence or are in regard to incidents which are two or more parts of the same transaction. If the answer is in affirmative, the second FIR is liable to be quashed. However, in case the contrary is proved, where the version in the second FIR is different and they are in respect of two different incidents/ crimes, the second FIR is permissible. In case in respect of the same incident the accused in the first FIR comes forward with a different version or counter claim, investigation on both the FIRs has to be conducted.”

20. From the observation made in the case of *Babubhai (supra)*, it is quite clear that if two or successive FIRs are filed against the same accused person, both the FIRs need to go through the test of sameness to find out whether the offence alleged or allegations are same arising out of the same transaction. If it is found that the allegations are same and the same has arisen from the same transaction, the second or successive FIRs cannot be sustained as the same are impermissible.

21. In a similar situation, regarding a similar issue of multiple FIRs, the Hon'ble Supreme Court in the case of *Anju Chaudhary (supra)* has observed as follows: -

"15. It has to be examined on merits of each case whether subsequently registered FIR is a second FIR about the same incident or offense or is based upon distinct and different facts and whether its scope of inquiry is entirely different or not. It will not be appropriate for the court to lay down one straight-jacket formula uniformly applicable to all cases. This will always be a mixed question of law and facts depending upon the merits of the given case."

22. In the case of *State (NCT of Delhi) v. Khimji Bhai Jadeja*, reported in **2026 SCC OnLine SC 19**, while dealing with the issue of clubbing several FIRs into a single FIR, the Hon'ble Supreme Court has held as follows: -

"9. The issue, therefore, boils down to whether or not the offenses allegedly committed against the 1,852 complainants were part of the 'same transaction'. We may first note the case law that has developed over time on the issue of consolidation of FIRs. In *S. Swamirathnam v. State of Madras*, a three-Judge Bench of this Court rejected the contention of the accused that there was misjoinder of charges as several conspiracies, distinct from each other, had been lumped together and tried at one trial. The Bench observed that the charges, as framed, disclosed one single conspiracy spread over several years and the only object of the conspiracy was to cheat members of the public. *Per* the Bench, the mere fact that others joined in the conspiracy in the course of those years or the fact that several incidents of cheating took place pursuant to the conspiracy did not change the conspiracy or split it up into several conspiracies. It was held that the instances of cheating were in pursuance of one conspiracy and were, therefore, parts of the same transaction.

"11. In *Cheemalapati Ganeswara Rao (supra)*, a three-Judge Bench of this Court observed that what is to be ascertained under Section 235(1) of the Code of Criminal Procedure, 1898 (equivalent to Section 218(1) CrPC) was whether the offenses arise out of acts so connected together as to form the same transaction. It was noted that 'same transaction' is not defined anywhere in the 1898 Code and it was held that whether transactions can be regarded as the same transaction would necessarily depend upon the particular facts of each case. The Bench noted that general thought is that where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of acts, it may be possible to infer that they form part of the same transaction. The Bench, however, cautioned that it is not necessary that every one of these elements should coexist for transactions to be regarded as the same transaction, and elaborated that if several acts committed by a person show a unity of purpose or design, then it may be a strong circumstance to indicate that those acts form part of the same transaction. Noting that a transaction may consist of an isolated act or a series of acts, the Bench held that such series of acts must, of necessity, be connected with one another, and if some of them stand out independently, they would not form part of the same transaction but would constitute a different transaction. It was concluded that 'same transaction' means a transaction consisting either of a single act or a series of connected acts."

23. From the above observations, it is clear that every case will have different facts and that has to be seen in terms of the principles laid down by the Hon'ble Supreme Court as to whether that passes the test of 'same transaction' or 'sameness' as discussed above.

24. As far as clubbing of FIRs, the Hon'ble Apex Court in the same case, i.e., *Khimji Bhai Jadeja (supra)*, has observed as follows:

"13. In *Amish Devgan v. Union of India*, seven FIRs came to be registered in the States of Rajasthan, Maharashtra, Telangana and

Uttar Pradesh in relation to a television telecast, which formed the basis for the offenses alleged. Applying the law laid down in *T.T. Antony v. State of Kerala*, which was followed thereafter in *Arnab Ranjan Goswami v. Union of India*, this Court directed clubbing of the FIRs. It was observed that when the subject matter of the FIRs is the same incident or occurrence or is in regard to incidents which are two or more parts of the same transaction, then a separate and second FIR need not be proceeded with. It was observed that in terms of the law laid down in *T.T. Antony (supra)*, the subsequent FIRs would be treated as statements under Section 161 CrPC. It was held that it would be open to the other complainants to file protest petitions in case a closure report was filed by the police. It was observed that upon filing of such protest petitions, the Magistrate is obliged to consider the contentions raised; even reject the closure report and take cognizance of the offense as otherwise such complainants would face difficulty in contesting the closure report, even if there is enough material to make out a case of commission of the offenses."

25. Similarly, in paragraph 16 of the aforesaid case, the Hon'ble Supreme Court observed as follows: -

"16. In *Amanat Ali v. State of Karnataka*, following the ratio decidendi in *Amish Devgan (supra)*, this Court exercised power under Article 142 of the Constitution and consolidated six FIRs registered in the State to be tried together, as multiplicity of proceedings would not be in the larger interest or in the interest of the State. Again, in *Ravinder Singh Sidhu v. State of Punjab*, this Court observed that it is now fairly well-settled that multiplicity of proceedings would not be in the larger public interest and the correct course of action would be to merge the later FIRs with the earlier FIR with the State's consent. On the same lines, in *Alok Kumar v. State of Bihar*, this Court noted that 81 FIRs were registered and directed the first FIR to be treated as the main FIR and all other FIRs to be treated as statements under Section 161

CrPC. Earlier, in *Satinder Singh Bhasin v. State of Uttar Pradesh*, a three-Judge Bench of this Court followed the principle enunciated in *Amish Devgan (supra)* and clubbed, with consent, the 118 FIRs relating to the 'Bike Bot' scheme registered across the State of Uttar Pradesh and one FIR registered by the Economic Offences Wing, New Delhi, by exercising power under Article 142 of the Constitution. Before that, in *Radhey Shyam v. State of Haryana*, the very same three-Judge Bench took note of multiple FIRs in connection with a network marketing scheme in as many as 12 States and directed the clubbing of all FIRs, which could thereafter proceed to one trial as far as possible, duly noting that all States concerned voiced no objection to such course of action."

26. In this connection, the case of *Amit Katyal & Anr. (supra)* can also be referred to, wherein the Hon'ble Apex Court has observed that 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. It was also observed that consolidation of such FIRs at one place would subserve the ends of justice by ensuring a coordinated, effective, and complete investigation, which also safeguards the right of the petitioners to mount an effective and meaningful defense in a single proceeding.

27. From the above discussions on the principles of law laid down by the Hon'ble Apex Court in various cases, it is discernible that in appropriate cases, multiple FIRs can be allowed to be clubbed together and for that purpose, the first FIR can be treated as the primary FIR and other FIRs can be treated as statements under Section 162 of CrPC. However, there is no straightjacket formula for doing so and the allegations in the FIRs as well as other factors like modus operandi, number of transactions, parties to the offense and

whether the cause of action is same, are relevant factors. The test of sameness and one transaction are relevant criteria for treating the subsequent FIR as a second FIR, which is not permitted under the law. Where several offenses are part of the same transaction, the test of sameness has to be applied to find out whether they are so related to one another on the point of purpose or cause and effect, so as to result in one continuous action.

28. The cases referred by the learned Senior Government Advocate have also been considered.

29. The learned Senior Government Advocate has specifically referred to the case of ***Anju Chaudhary (supra)*** to support his argument that where incidents are of different times with the involvement of different persons, then there is no commonality and the purpose thereof is different and they emerge from different circumstances, it will not be possible for the court that they form part of the same transaction and therefore, could be a common FIR, or a subsequent FIR could not be permitted to be registered, or there could be a common trial.

30. This Court has considered his submission referring to the case of ***Anju Chaudhary (supra)***. However, in the facts of the instant case, the observations of the Hon'ble Apex Court cannot be applied to, as the facts of the case before the Hon'ble Apex Court were different and distinguishable.

31. Coming back to the facts of the instant case, it has already been observed that the allegations made by different complainants in all four FIRs are exactly the same. The people alleged to have been involved are the same. The two companies alleged to have been involved, namely, Ajitaaksh Ventures Private Limited and Gargo

Institute of Technology are common in all the FIRs. The allegation of creating a list of more than 20,000 fake laborers is also present in all the FIRs. Allegations of making fake bills, fake food bills and imparting training only for two days but showing to have completed 60 days are also the same. The FIRs do not disclose the time and commission of the offenses, but it has been mentioned in all the FIRs that the complainants are allegedly trainees of a skill development program floated by the Labour Department, Government of Assam, who had received training from the two companies, namely, Ajitaaksh Ventures Private Limited and Gargo Institute of Technology, wherein the petitioner is one of the CEOs. Therefore, the allegations are admittedly regarding one skill development program floated by the Labour Department, Government of Assam.

32. Upon perusal of all the FIRs, this Court does not find any difference or any distinguishable facts in the aforesaid four FIRs.

33. Taking into account the principles laid down by the Hon'ble Apex Court about sameness and transactions, this Court is of the considered opinion that the allegations narrated in all the FIRs are the same, though filed in different places.

34. In view of the aforesaid facts, this Court is also of the opinion that allowing four FIRs to independently go ahead will be an abuse of the process of law. It will also be contrary to the settled legal position, which will result in much avoidable multiplicity of proceedings, conflicting findings and serious prejudice to the petitioner in the instant case. Therefore, this Court is of the considered view that the first FIR, i.e., Rangia P.S. Case No. 673/2022, is directed to be treated as the FIR and the subsequent FIRs, i.e., Dispur P.S. Case No. 2365/2022, Tihu P.S. Case No. 100/2022 and Dhula P.S. Case No. 268/2022, shall be clubbed with

the first FIR, i.e., Rangia P.S. Case No. 673/2022 and shall be treated as statements under Section 162 of the CrPC.

35. It is accordingly directed that Dispur P.S. Case No. 2365/2022, Tihu P.S. Case No. 100/2022 and Dhula P.S. Case No. 268/2022 shall be immediately transferred to Rangia Police Station so that the investigation in the first FIR, i.e., Rangia P.S. Case No. 673/2022 can proceed without any delay.

36. In terms of the aforesaid observations and directions, the instant writ petition stands disposed of.

JUDGE

Miriam