

2022 LiveLaw (SC) 980

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
ANIRUDDHA BOSE; J., VIKRAM NATH; J.**

November 07, 2022

WRIT PETITION(S) (CRIMINAL) NO(S). 238 & 258/2022

ANUBHAV MITTAL & ORS. *versus* THE STATE OF UTTAR PRADESH & ORS.

Constitution of India, 1950 ; Article 32 - Clubbing of FIRs -Plea of accused seeking consolidating of all existing and future cases or FIRs/chargesheets to a particular Court or police station - Such direction, if given, would override the provisions of the Code of Criminal Procedure on jurisdictional provisions without notifying the existing as also potential complainants in any manner whatsoever - The alleged cheating and connected offences have occurred at different parts of the country and each victim under the existing provisions of law has a right to prosecute his complaints against the accused through the law enforcement agency under normal circumstances having power to conduct investigation in the particular territory where complaint is lodged - A person who has lost money in, for instance, the State of Telangana cannot be compelled to lodge an F.I.R. only in the Surajpur police station in Uttar Pradesh. We have to consider his inconvenience as well. It is not our opinion that consolidation of F.I.Rs. or cases cannot be directed at all, but such exercise can be undertaken in a given case depending upon the facts and circumstances of such case. Present case does not warrant invoking such powers.

For Petitioner(s) Mr. Anurag Kishore, AOR Mr. Siddharth Dave, Sr.Adv. Mr. Tushar Agarwal, Adv. Mr. Ujjwal Sinha, Adv. Ms. Roopsee Pandita, Adv. Mr. Mahinder Singh Hura, Adv. Mr Saif Ali, Adv. Mr. Divjot Singh Bhatia, Adv. Mr. Pushpendra S.Bhadoriya, Adv. Ms. Rusheet Saluja, Adv Mr. Jasmeet Singh, AOR For Respondent(s) Dr.Manish Singhvi, Sr.Adv. Ms. Ruchira Goel, AOR Mr. Adit Jayeshbhai Shah, Adv. Mr. Ajay Kumar Prajapati, Adv. Ms. Rachana Chakrawarti, Adv. Mr. Rajat Singh, adv. Mr. Samarth M., Adv. Mr. Shekhar Raj Sharma, Dy.AG Mr Paras Dutta, Adv. Dr. Monika Gusain, AOR Mr. Ankur Prakash, AOR Mr. Ashutosh Kumar Sharma, Adv. Mr. S. Udaya Kumar Sagar, AOR Ms. Sweena Nair, Adv. Mr. Sandeep Kumar Jha, AOR

ORDER

WRIT PETITION(S) (CRIMINAL) NO(S). 238/2022

The present petition is by three individuals against whom there are allegations of cheating as also criminal breach of trust and other connected offences. Several First Information Reports have been lodged against them in the States of Uttar Pradesh, Haryana, Uttarakhand, Rajasthan and Telangana. As pleaded, there are 405 registered F.I.Rs to the knowledge of the petitioners and charge sheets have been submitted and cognizance taken in connection with 271 of these F.I.Rs. The petitioners want all these FIRs, charge sheets and also the trials commenced in different States along with FIRs, charge sheets that may be filed in future and trials that may start in future to be consolidated and brought to the Police Station Surajpur, District Gautam Buddh Nagar, Uttar Pradesh or the Court having jurisdiction over the said police station. The apparent rationale behind identifying that police station is that charge-sheet has been submitted in connection with an F.I.R. lodged in that police station on 31st January 2017. Steps have also been taken under the Prevention of Money Laundering Act, 2002, inter alia, on the basis of the said F.I.R. It appears that the petitioners were conducting a web based marketing scheme through a company, Ablaze Info Solutions Pvt. Ltd., of which the petitioners were directors. Individuals, who participated in the scheme lodged complaint on not receiving the money as per promise held out. In this order, we are not giving details or particulars of the scheme as what has been asked for in this petition is consolidation of

all complaints, investigations and cases by persons who have made allegations of losing money by participating in the said web based scheme.

The victims who allege to have suffered loss by participating in such scheme belong to different States as also different jurisdictions within a State. The prayers for consolidation are very widely framed, and the petitioners seek to confine the location of all existing as also future complaints, charge-sheets as also trails to a single police station and the Court having jurisdiction over that police station. None of the informants or makers of the F.I.R. has been impleaded as party respondents. Five States and the Superintendent of the Lucknow District Jail have been arraigned as respondents in this writ petition.

Just because the accused persons are located in a particular State, the convenience of the latter alone cannot be weighed by this Court for deciding a proceeding of this nature, in which a super Mandamus has been prayed for to cover even unknown and future F.I.Rs. Such direction, if given, in exercise of our jurisdiction to issue high prerogative writ in the nature of Mandamus under Article 32 of the Constitution of India, it would override the provisions of the Code of Criminal Procedure, 1973 on jurisdictional provisions without notifying the existing as also potential complainants in any manner whatsoever.

The alleged cheating and connected offences have occurred at different parts of the country and each victim under the existing provisions of law has a right to prosecute his complaints against the petitioners through the law enforcement agency under normal circumstances having power to conduct investigation in the particular territory where complaint is lodged. It is apparent that the petitioners had mobilised funds from different parts of the country and now, on alleged default, cannot plead their inconvenience of having to defend their cases in multiple jurisdictions. A person who has lost money in, for instance, the State of Telangana cannot be compelled to lodge an F.I.R. only in the Surajpur police station in Uttar Pradesh. We have to consider his inconvenience as well. It is not our opinion that consolidation of F.I.Rs. or cases cannot be directed at all, but such exercise can be undertaken in a given case depending upon the facts and circumstances of such case. Present case does not warrant invoking such powers.

For these reasons, we reject the plea of the petitioners for consolidating all existing and future cases or FIRs/chargesheets to a particular Court or police station. In the event the petitioners want consolidation of intra State FIRs/chargesheets or cases, they shall be at liberty to approach the jurisdictional High Court.

The present petition is accordingly dismissed.

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

WRIT PETITION (CRL.) NO. 258/2022

This petition is dismissed on the same reasoning as stated in Writ Petition (Crl.) No.238/2022.

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