



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



S.B. Criminal Miscellaneous (Petition) No. 5027/2016
CNR: RJHC020551902016 | URN: CRLMP / 7827U / 2016

Vijay Singh S/o Shri Ramkhiladi, aged about 23 years, R/o Village Shishwada, Teh. and Police Station Deeg, Distt. Bharatpur.

-----Accused-Petitioner

Versus

1 State Of Rajasthan Through PP

-----Respondent

2 Rajkumar S/o Premchand, aged about 22 years, R/o Village Shishwada, Teh. and Police Station Deeg, Distt. Bharatpur.

-----Complainant-Respondent

For Petitioner(s) : Mr. Rajeev Sogarwal
For Respondent(s) : Mr. Ambrish Vashishtha
Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

09/10/2026

- Instant miscellaneous petition is preferred by the petitioner-accused Vijay Singh, for quashing of FIR No. 647/2015, registered at Police Station Deeg, District Bharatpur, for offence under Sections 420, 467, 468 and 471 of IPC.
- Learned counsel for the petitioner, while placing reliance upon the grounds of the misc. petition, has submitted that complainant Rajkumar has filed a criminal complaint against the petitioner in the Court of Additional Chief Judicial Magistrate, Deeg, regarding the allegations of forgery and cheating, which was dismissed on 26th May 2015, and a copy of the petition, along with the order passed by the trial Court, is enclosed as



Annexure-1 and Annexure-2. He also submitted that thereafter, one Anil Kumar, having links with the same complainant, on the same facts, has filed another complaint in the same Court, but the same was also dismissed on 19th October 2015. He also submitted that thereafter again complainant Rajkumar son of Premchand, has again filed a criminal complaint in the Court of Chief Judicial Magistrate, Deeg, which was forwarded for registration of an FIR under Section 156(3) of Cr.P.C. He also submitted that on the basis of the order passed by the Additional Chief Judicial Magistrate, FIR No. 647/2015 was registered on 27th October 2015 under Sections 420, 467, 468, 471 of IPC at Police Station Deeg, and the police is now investigating the matter. He also submitted that a second FIR in respect of the same criminal case is not permissible under the law, hence, the FIR is liable to be quashed.

3. The aforesaid contentions were opposed by the learned Public Prosecutor and learned counsel for the complainant. The learned Public Prosecutor has filed a report received from Police Station Deeg and submitted that the police has found a prima facie case against the petitioner and that, after vacation of the stay, the police will file a charge-sheet.

4. Learned counsel for the complainant has opposed the contentions and submitted that earlier, an election petition has been filed and the election of the petitioner was set aside on the basis of the findings that the petitioner has used forged and fabricated documents. He also submitted that once forged and fabricated documents have been used, the police is bound to investigate any cognizable offence and that the report submitted



by the police demonstrates that the offence has been found to be proved against the petitioner.

5. Heard learned counsel for the parties and the learned Public Prosecutor, and perused the material placed on record.

6. Admittedly, a criminal complaint was filed by complainant Rajkumar son of Premchand, regarding the alleged use of forged documents by the petitioner at the time of filing his nomination as Sarpanch and further election as Sarpanch, held on 18th January 2015. In this complaint, a prayer is made by complainant Rajkumar to forward the same under Section 156(3) of Cr.P.C. The complaint was dismissed by the learned Additional Chief Judicial Magistrate, Deeg, District Bharatpur, on 26th May 2015, and a copy of the order is placed on record as Annexure-2. Thereafter, another complaint, No. 79/2015, was filed by Anil Kumar on identical facts, but the same was also dismissed on 19th October 2015, and a copy of the order is placed on record as Annexure 4. These facts indicate that two earlier complaints were filed by Rajkumar and Anil Kumar, as Annexure-1 and Annexure-3, respectively, but both were dismissed.

7. Again, the first complainant, Rajkumar son of Premchand, filed a complaint in the Court of the learned Additional Chief Judicial Magistrate, Deeg, and the same was forwarded under Section 156(3) of Cr.P.C. and on the basis of the said complaint, the learned ACJM, Deeg, directed the registration of an FIR and FIR No. 647/2015 was registered at Police Station Deeg. The contents of the complaint, as mentioned in the FIR, indicate that an earlier complaint was filed by the same complainant, but it was dismissed.



8. In the cases of **T.T. Antony v. State of Kerala & Others**, reported as **MANU/SC/0365/2001**; **Babubhai v. State of Gujarat**, reported as **MANU/SC/0643/2010**; and **Amitbhai Anilchandra Shah v. CBI & Another**, reported as **MANU/SC/0329/2013**, it has been held that a subsequent FIR based on the same set of facts and allegations relating to the same transaction is not maintainable. The permissibility of a second FIR has been considered by the Hon'ble Supreme Court in the case of **State of Rajasthan v. Surendra Singh Rathore**, reported as **2025 INSC 248**, after considering the judgment in the case of **Nirmal Singh Kahlon v. State of Punjab**, reported as **(2009) 1 SCC 441**.

9. Having considered the instant case, it is apparent on the face of the record that the same complainant has filed first criminal complaint before the Additional Chief Judicial Magistrate, Deeg, and the same was dismissed by the Criminal Court. Though, in the said complaint, the prayer was also to forward the complaint under Section 156(3) of Cr.P.C. for registration of an FIR. The order (Annexure-2), is passed under Section 203 of Cr.P.C., therefore, registration of a second FIR by the same complainant on the same facts is not permissible, therefore, the misc. petition is liable to be allowed.

10. In view of the discussion made hereinabove, the misc. petition under Section 482 of Cr.P.C. is allowed, and the subsequent FIR No. 647/2015 dated 27th October 2015, registered at Police Station Deeg, District Bharatpur, and the consequential proceedings arising out of the said FIR are hereby quashed.



11. Misc. application and stay application, if any, stands disposed of.

(ASHOK KUMAR JAIN),J

9/GAURAV (SA)

