



2025:AHC:226672

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39434 of 2025

Reserved on 12.11.2025

Delivered on 17.12.2025

Chandrashekhar Alias Ravan
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nidhi, Sushil Shukla
Counsel for Opposite Party(s)	:	G.A.

with

APPLICATION U/S 528 BNSS No. - 39425 of 2025

Chandrashekhar Alias Ravan
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nidhi, Sushil Shukla
Counsel for Opposite Party(s)	:	G.A.

With

APPLICATION U/S 528 BNSS No. - 39419 of 2025

Chandrashekhar Alias Ravan
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nidhi, Sushil Shukla
Counsel for Opposite Party(s)	:	G.A.

With

APPLICATION U/S 528 BNSS No. - 39417 of 2025

Chandrashekhar @ Ravan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nidhi, Sushil Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73**HON'BLE SAMEER JAIN, J.**

1. As, all these matters relate to applicant Chandrashekhar @ Ravan and prayers made in all these applications are arising out of FIR No. 152 of 2017, Police Station Kotwali Dehat, District Saharanpur and similar issue is involved in all these matters, therefore, these applications are being heard and disposed off by a common order.

2. Heard Sri Sushil Shukla, learned Senior Advocate assisted by Ms. Nidhi, learned counsel for applicant and Sri Manish Goyal, learned Additional Advocate General assisted by Sri Roopak Chaubey, learned Additional Government Advocate for the State.

3. By way of instant applications applicant made the following prayers:-

"i. To quash the charge-sheet No. 31 of 2017 and proceedings of Criminal Case No. 1477 of 2017 arising out of Case Crime No. 154 of 2017, under Sections 147, 148, 149, 435 IPC, Police Station Kotwali Dehat, District Saharanpur and impugned order 12.09.2025 passed by Special Magistrate MP/MLA Court/ACJM-IV Saharanpur.

ii. To quash the charge-sheet No. 33 of 2017 dated 17.07.2017 and proceedings of Session Trial No. 212 of 2018 arising out of Case Crime No. 156 of 2017, under Sections 147, 148, 149, 307, 452, 436, 427 IPC, Police Station Kotwali Dehat, District Saharanpur and pending in the court of Special Judge MP/MLA Court/ADJ-12th Saharanpur.

iii. To quash the charge-sheet No. 39 of 2017 dated 29.07.2017 and proceedings of Session Trial No. 214 of 2018 arising out of Case Crime No. 162 of 2017, under Sections 147, 148, 149, 307, 332, 353, 436, 427 IPC and Section 7 Criminal Law Amendment Act and 3/4 of the Prevention of Damage to Public Property Act, Police Station Kotwali Dehat, District Saharanpur pending in the court of Special Judge MP/MLA Court/ADJ-12th Saharanpur.

iv. To quash the charge-sheet No. 38 of 2017 dated 29.07.2017 and proceedings of Session Trial No. 216 of 2018 arising out of Case Crime No. 163 of 2017, under Sections 147, 148, 149, 307, 504, 323, 325, 395, 332, 353, 352, 435, 427 IPC and Section 7 Criminal Law Amendment Act, Police Station Kotwali Dehat, District Saharanpur pending in the court of Special Judge MP/MLA Court/ADJ-12th Saharanpur."

"Alternatively, above charge-sheets may be considered as supplementary charge-sheets of the charge-sheet No. 32 of 2017 dated 17.07.2017 relating to Case Crime No. 152 of 2017, Police Station Kotwali Dehat, District Saharanpur."

Arguments advanced on behalf of applicant:

4. Learned Senior Advocate appearing on behalf of applicant submits, applicant is sitting M.L.A. from Nageena Constituency District Saharanpur and on 09.05.2017 a FIR was lodged against 19 known and some unknown persons at P.S. Kotwali Dehat, District Kanpur vide Case Crime No. 152 of 2017 at 17.30 hours with regard to the incident occurred on 09.05.2017 at 13.45 hours under Sections 147, 148, 149, 307, 332, 336, 427, 436, 353, 323 IPC, Section 7 Criminal Law Amendment Act and Section 3/4 Public Property Damages Act.

5. He further submits, after registration of the first FIR at Case Crime No. 152 of 2017, four other FIRs were also lodged on same day i.e. on 09.05.2017 with regard to same incident at Case Crime Nos. 154 of 2017, 156 of 2017, 162 of 2017 and 163 of 2017.

6. He next submits, in all the cases applicant is one of the accused and by way of instant applications applicant made a prayer to quash the charge-sheets arising out of subsequent FIRs relating to Case Crime Nos. 154 of 2017, 156 of 2017, 162 of 2017 and 163 of 2017 on the ground that these FIRs are subsequent to the FIR relating to Case Crime No. 152 of 2017 and all these FIRs and the FIR at Case Crime No. 152 of 2017 relating to same incident occurred during same transaction, therefore, proceedings arising out of these subsequent four FIRs are bad or alternatively the charge-sheets filed in these FIRs may be treated as supplementary charge-sheet in the case arising out of first FIR i.e. FIR relates to Case Crime No. 152 of 2017.

7. He further submits, according to first FIR relating to Case Crime No. 152 of 2017 named accused persons along with their unknown associates who were in 250 to 300 numbers were creating barriers (Jam) and when police arrived at spot after receiving information and tried to control the situation then agitators became highly aggressive and on the instigation of Ex.-M.L.A. Ravindra Molhu, mob at about 13.45 hours started making assault through illegal weapons including firearm upon the administrative officers.

8. He next submits, as per the first FIR, mob damaged the vehicles of reporters and other private persons and also damaged the police vehicles and due to the assault made by mob police personnel and administrative officers and even some private person from public sustained serious injuries.

9. He next submits, it is also mentioned in the first FIR that the miscreants also entered in police chauki (post) Ramnagar and damaged the public property and documents and even damaged the property relating to public servants and during incident miscreants also damaged the under construction Maharana Pratap building including under construction park. He further submits, as per the first FIR the miscreants were the workers of Bheem Army and applicant and his associates were leading them.

10. Learned counsel for applicant further submits, therefore, the first FIR i.e. FIR relating to Case Crime No. 152 of 2017 has been lodged with regard to the offence of arson and damage caused by mob of more than 300 people.

11. He further submits, after the FIR relating to Case Crime No. 152 of 2017 which was lodged at 17.30 hours four other FIRs were also lodged including FIR relating to Case Crime No. 154 of 2017 and this FIR was lodged by Sudhir Kumar Gupta, an employee of Punjab Keshari News Paper and according to this FIR on 09.05.2017 in the noon when Sudhir Kumar Gupta received information of disturbance then he arrived there and found that condition was quite tense and miscreants were pelting stones and they ablazed the vehicles including his motorcycle No. UP 11 O 3402.

12. He next submits, thereafter FIR relating to Case Crime No. 156 of 2017 was lodged by Thakur Rambol Singh and according to this FIR the construction of Maharana Pratap building was under way and on 09.05.2017 in the afternoon at about 13.30 hours mob of 250 to 300 persons entered in the under constructed building along with weapons like sword, rod and country made pistol and mob put the entire building under fire and due to arson committed by mob the articles put inside the building were burnt and mob also put the store under fire due to which articles stored in the store have also been burnt and mob also demolished the boundary wall of the building.

13. He further submits, as per subsequent second FIR applicant was leading the mob and he opened the fire upon the witnesses, who were present there but they luckily escaped.

14. He further submits, another FIR was lodged at Case Crime No. 162 of 2017 and this FIR was lodged by Sub Inspector Devendra Singh against as many as 70 persons including applicant and 200 to 300 unknown persons and as per this FIR on 09.05.2017 applicant and other accused persons of Bheem Army along with 250 to 300 persons were creating ruckus and arson

and when informant along with police personnel tried to restrain them then they made assault upon them through their respective weapons like sharp edge weapon and country made pistol and thereafter mob started damaging the police chauki and in the incident motorcycle of constable has been badly damaged and mob also damaged the belongings of police personnel. He next submits, as per this FIR mob also damaged the vehicle of some other police personnel along with their belongings.

15. Learned counsel for applicant further submits, the last FIR was lodged at Case Crime No. 163 of 2017, which was lodged by constable Sanjeev Kumar and according to this FIR, the mob of 200 to 300 persons made assault upon the police and administrative officers and due to the assault made by them informant sustained injury.

16. He further submits, all the above FIRs were lodged on 09.05.2017 with regard to alleged arson and damage committed by the mob of about 300 persons though at different places and parts of the city and in all the FIRs there are allegations of arson and damaging the properties and making assault upon the government officials.

17. He further submits, however, incident of all the subsequent FIRs are occurred at different places but by the same mob and it appears, all the incidents occurred in same transaction. He further submits, as incidents occurred in same transaction by the same mob and in almost all the cases accused and witnesses are common, therefore, subsequent FIRs were bad and proceedings pending against the applicant arising out of these subsequent FIRs i.e. FIR relating to Case Crime Nos. 154 of 2017, 156 of 2017, 162 of 2017 and 163 of 2017 are also bad as it is not permissible to lodge separate FIR either with regard to same incident or with regard to the incident occurred in same transaction.

18. He further submits, from the perusal of the contents of the FIRs it cannot be said that the offences allegedly committed in these FIRs are distinct and did not arise from the same transaction.

19. He placed reliance on the following judgments:-

1. T.T. Antony Vs. State of Kerala (2001) 6 SCC 181

2. Babubhai Vs. State of Gujarat (2010) 12 SCC 254

3. Amitbhai Anilchandra Shah Vs. CBI (2013) 6 SCC 348

20. He further submits, the ratio of above judgements of the Apex Court is

that if there is any subsequent FIR relating to either same incident or though different incident occurred in same transaction then second FIR is bad.

21. He further submits, as after the lodgement of the FIR relating to Case Crime No. 152 of 2017 the FIR of all these cases were lodged and alleged offences committed in all the FIRs relating to same transaction and alleged offence allegedly committed by the same mob, therefore, these subsequent FIRs i.e. FIR relating to Case Crime Nos. 154 of 2017, 156 of 2017, 162 of 2017 and 163 of 2017 are bad and therefore proceedings arising out of these FIRs are also bad.

22. He further submits, alternatively the charge-sheet filed in above four FIRs can be treated as the supplementary charge-sheet of the case arising out of first FIR in the light of the observation made by Babubhai case (supra).

23. He further submits, therefore, considering above facts instant applications may be allowed.

Argument advanced on behalf of the State:

24. Per contra, learned Additional Advocate General vehemently opposed the prayer and submits, as incidents mentioned in all the FIRs occurred at different places and all the FIRs were lodged by different people, therefore, it cannot be said that these FIRs relating to incident occurred in the same transaction, therefore, these FIRs cannot be held bad. He further submits, FIR relating to Case Crime No. 154 of 2017 was lodged by a reporter and he is an individual and he lodged FIR as mob burnt his motorcycle and therefore, if proceeding arising out of his FIR is quashed then it will cause prejudice to him. He further submits, even witnesses of all the cases are not the same.

25. Learned AAG further submits, it is not desirable to quash the proceedings arising out of subsequent FIRs merely on the ground that the alleged incidents relating to same transaction. He further submits, if mob started committing offence at particular place in a district and thereafter mob moved further at different places and committed distinct offences either by damaging properties, vehicles or causing injuries to public servants and private persons then for all such offences separate FIR can very well be lodged. He next argued if FIRs lodged by victims are quashed then it will prejudice to them.

26. Learned AAG further submits, even number of witnesses are different in all the cases and in case relating to FIR No. 152 of 2017 there are 21 witnesses while in FIR No. 156 of 2017 there are total 25 witnesses and similarly in FIR No. 162 and 163 of 2017 there are 14 and 29 witnesses respectively. He next submits, not even witnesses but even accused and

victims are not common and in such circumstances it is neither permissible nor desirable that all the proceedings arising out of subsequent FIRs which were lodged after FIR No 152 of 2017 should be quashed.

27. Learned AAG further submits, the import of the judgments of T.T. Antony (supra) and Babubhai (supra) on which reliance was placed by learned counsel for applicant was not that in all the cases where separate FIRs were lodged on same day all such FIRs should be quashed. He next submits, facts of each and every case are different and no general formula can be applied in all cases and each case should be decided on the basis of its own facts.

28. Learned AAG further submits, recently the Apex Court in the case of **State of Rajasthan Vs. Surendra Singh Rathore 2025 SCC OnLine SC 358** considered above aspect and after considering the judgments of the Apex Court passed in the case of T.T. Antony (supra) and Babubhai (supra) observed that if ambit of two FIRs is different even though they may arise from the same set of circumstance then second FIR is permissible.

29. Learned AAG further submits, Apex Court further observed that when it was revealed that earlier FIR to be part of larger conspiracy then also subsequent FIR is permissible. He further submits, in case at hand after perusing the first FIR and all the other subsequent FIRs it is apparent that members of Bheem Army were involved in larger conspiracy in creating chaos in district Saharanpur.

30. Learned AAG further submits, in the above case Supreme Court also held that if investigation reveals unknown facts and circumstances then also subsequent FIR is permissible.

31. He further submits, therefore, considering the totality of facts and circumstances of the case and after evaluating the ratio laid down by the Apex Court in the case of T.T. Antony (supra) and Surendra Singh Rathore (supra) it is apparent that the instant applications are devoid of merit and are liable to be dismissed.

Analysis and conclusion

32. I have heard both the parties and perused the record of the case.

33. Applicant is the sitting Member of Parliament and by way of instant applications he made prayers to quash the proceedings arising out of the FIR Nos. 154, 156, 162 and 163 of 2017 lodged at Police Station Kotwali Dehat, District Saharanpur and alternatively charge-sheets of these cases should be treated as supplementary charge-sheet of case arising out of first FIR i.e. FIR

No. 152 of 2017.

34. As per applicant as above FIRs were lodged subsequent to the FIR relating to Case Crime No. 152 of 2017 on same day on same set of evidence and relating to same transaction, therefore, proceedings relating to FIR No. 152 of 2017 should only be permitted to continue and proceeding relating to other FIRs should be quashed.

35. The core issue before this Court is that whether proceedings arising out of subsequent FIRs of the instant matters should be permitted to continue and whether in the light of the observation made by the Apex Court in the cases of T.T. Antony (supra) and Babubhai (supra) these proceedings can be quashed and whether charge-sheets of these FIRs can be treated as supplementary charge-sheet of the first FIR.

36. From perusal of the observation made by the Apex Court in case of T.T. Antony (supra) and Babubhai (supra) it reflects, the Apex Court in these cases held that if a subsequent FIR is lodged on the basis of same set of allegations or has been lodged relating to the incident occurred in same transaction then it should be quashed as in these circumstances second FIR is not permissible, therefore, before arriving at any conclusion it is necessary to examine the facts and circumstances of each case.

37. From perusal of all the FIRs including first FIR i.e. FIR relating to Case Crime No. 152 of 2017 however it reflects, incident occurred on 09.05.2017 and alleged offences of arsoning and damaging the properties and making assault were committed by the mob but it reflects, place and time of the incident of all the FIRs are different and even from the FIR No. 154 of 2017 it appears, it has been lodged by an individual who is reporter and therefore, it cannot be said these FIRs are relating to same incident.

38. The Apex Court in case of Babubhai (supra) observed that if both the FIRs relating to same incident in respect of same occurrence or in regard to the incident which are two or more part of transaction then second FIR should be quashed but in the same judgment Apex Court further observed that if second FIR is in respect of two different incident/crime, the second FIR is permissible.

39. Further, the Apex Court in case of **Nirmal Singh Kahlon Vs. State of Punjab and others (2009) 1 SCC 441** in paragraph No. 67 observed as:-

"67. The second FIR, in our opinion, would be maintainable not only because there were different versions but when new discovery is made on factual foundations. Discoveries may be made by the police authorities at a subsequent stage. Discovery about a larger conspiracy can also surface in another proceeding, as for example, in a case of this nature. If the police authorities did not make a fair investigation and left

out conspiracy aspect of the matter from the purview of its investigation, in our opinion, as and when the same surfaced, it was open to the State and/ or the High Court to direct investigation in respect of an offence which is distinct and separate from the one for which the FIR had already been lodged."

40. Therefore, from this judgment it reflects, second FIR is permissible if version of this FIR is different and if new discovery is made on factual foundations. As per this judgment if discovery about larger conspiracy is disclosed then also second FIR is permissible.

41. In case at hand, it reflects, the mob relating to Bheem Army continuously for hours committed arsoning and damaging properties at different places at different time, therefore, it appears to be a case in which, however it can be held that all the incidents relate to same transaction but considering the fact that applicant is sitting M.L.A. relating to political party and alleged offences were allegedly committed by his party workers, the arguments advanced by learned AAG that it appears to be a case which involves larger conspiracy cannot be ruled out and therefore considering the observation made by Apex Court in case of Nirmal Singh Kahlon (supra) it is not desirable to quash the proceedings arising out of subsequent FIRs.

42. Further, Apex Court in the case of Surendra Singh Rathore (supra) after considering the judgments of T.T. Antony (supra) and Babubhai (supra) in paragraph 9 observed as:-

"9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different."

43. In this case Supreme Court categorically observed that if ambit of two FIRs is different then both FIR can exist even if they arise from the same set of circumstance. Further, Apex Court also held that if investigation related to incident bring to the light hitherto unknown facts or circumstances then also

second FIR is permissible. Apex Court further held where incident is separate, offence are similar or different then also second FIR is permissible, therefore, in view of the law laid down by the Apex Court recently in case of Surendra Singh Rathore (supra) it is apparent that if ambit of two FIRs and incident of two FIRs are different then also both FIRs can exist.

44. In case at hand, as it appears, ambit of all the subsequent FIRs are different and incidents of these FIRs are separate though they may arise in same transaction therefore in the light of above judgments of Apex Court it cannot be held that subsequent FIRs were not permissible.

45. Further, at the last but not the least it also reflects, after submission of the charge-sheets in aforesaid cases court concerned has taken the cognizance and trials of all the cases are underway and all the cases are at evidence stages. It appears, in case relating to Case Crime No. 152 of 2017 arising out of first FIR as many as six prosecution witnesses have been examined. Similarly in case relating Case Crime No. 156 of 2017 two prosecution witnesses have been examined and in case relating to Case Crime No. 162 of 2017 also two witnesses have been examined while in case relating to Case Crime No. 163 of 2017 as many as six prosecution witness have been examined. Therefore, it appears, trials of the cases have not only commenced but trials are at midway and are at the stage of evidence and, therefore, in view of this Court at this stage of trials it is not desirable to invoke the inherent power of this Court to quash the proceedings of these cases and to treat the respective charge-sheets as supplementary charge-sheet of first FIR.

46. Therefore, considering the facts and circumstances of the case discussed above, in my view, the instant applications filed by the applicant are devoid of merit and are liable to be dismissed.

47. Accordingly, instant applications filed by applicant stands **dismissed**.

December 17, 2025

AK Pandey

(Sameer Jain,J.)