

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1919 OF 2022
AND
CRIMINAL WRIT PETITION NO. 2109 OF 2022

Ms.Ketaki Chitale d/o Milind. Chitale ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Mr.Ghanshyam Upadhyay with Mr.Akash Mishra and Mr.Ranjeet Nair i/b. Vasant Bansode for the Petitioner.

Ms.A.S.Pai, PP for the Respondent- State.

Mr.Prashant M. Patil for the original Complainant.

Mr.Nitin Gaware Patil for the Informant in WP No.1919/22.

CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATE : 22 August 2022.

P.C. :

On 27 June 2022, we had passed the following order:

These two Petitions are filed by the same Petitioner pertaining to the same subject matter therefore, they are taken up together.

2. *In all twenty two First Information Reports came to be filed against the Petitioner in respect of a post shared by the Petitioner on her social media "Face Book" account page on 13 May 2022. By these Petitions, the Petitioner is seeking to quash the FIR No. 216 of 2022 registered at Kalwa Police Station and also seeks other directions.*

3. *The learned Counsel for the parties point out that in connection with the similar media post, Criminal Writ Petition No. 1821 of 2022 filed by one Nikhil Shyamrao Bhamare had come up on board on 21 June 2022 and it is adjourned to 12 July 2022 granting interim bail and protection from arrest. The learned Counsel for the Petitioner relies on this order to contend that in the meanwhile, the Petitioner should not be arrested in connection with the 22 FIRs which have been lodged against the Petitioner in respect of the post.*

4. *The details of the FIR lodged against the Petitioner in respect of the post in question are as follows :-*

SERIAL NO	NAME OF POLICE STATION	CRIME REGISTERED NO. & SECTIONS	FIR REGISTERED DATE	CASE STATUS	
<u>1)</u>	Goregaon , Mumbai	570/2022 IPC 153 , 500, 501, 506 (2), 505, 504, 34	14/05/2022	Pending	
<u>2)</u>	Powai, Mumbai	500/2022 IPC 153 (A) 500, 501, 505 (2)	14/05/2022	Pending	
<u>3)</u>	Bhoiwada , Mumbai	502/2022 IPC 153 (A), 500, 501, 504, 506, 34	14/05/2022	Pending	
<u>4)</u>	Kalamboli, New Mumbai	116/2022 IPC 153 (A) 500, 501, 505 (2)	15/05/2022	Pending	
<u>5)</u>	Nerul , New Mumbai	186/2022 IPC 153 (A), 500, 501, 505 (2)	15/05/2022	Pending	
<u>6)</u>	Dehu road, Pimpri Chinchwad	295/2022 IPC 153 (A) 500, 501, 505 (2), 504	15/05/2022	Pending	
<u>7)</u>	Pimpri, Pimpri Chinchwad	332/2022 IPC 153 (A) 500 , 501, 505 (2), I.T Act – 71	14/05/2022	Pending	
<u>8)</u>	Sindhkheda, Dhule	100/2022 IPC 153 (A) 500 , 501, 505, 34,	15/05/2022	Pending	
<u>9)</u>	Dhule Taluka, Dhule	293/2022 IPC 153 (A) 500 , 501, 505, 34,	14/05/2022	Pending	
<u>10)</u>	Cyber police station, Nashik City	06/2022 IPC 153 (A), 500 , 501, 505(2)	14/05/2022	Pending	
<u>11)</u>	Barhe , Nashik Rural	08/2022 IPC 153 (A), 500 , 501, 505(2)	18/05/2022	Pending	

<u>12)</u>	Ghdge nagar, Amaravati	548/2022 IPC 153 (A), 500, 501, 505(2)	14/05/2022	Pending	
<u>13)</u>	Satara City, Satara	404/2022 IPC 153 (A), 500, 501, 505(2)	15/05/2022	Pending	
<u>14)</u>	Usmanabad City, Usmanabad	118/2022 IPC 153 (A), 500, 501, 505(2)	15/05/2022	Pending	
<u>15)</u>	Parner, Ahamd Nagar	373/2022 IPC 153, 500, 501, 504, 505, 506	15/05/2022	Pending	
<u>16)</u>	Cyber police station, Pune City	14/2022 IPC 153 (A), 500, 501, 505(2)	14/05/2022	Pending	
<u>17)</u>	Khadan Road, Akola	406/2022 IPC 153 (A), 500, 501, 505(2)	15/05/2022	Pending	
<u>18)</u>	Kudal, Sindhudurg	86/2022 IPC 153 (A), 500, 501, 505(2)	15/05/2022	Pending	
<u>19)</u>	Kalwa. Thane City	216/2022 IPC 153 (A), 500, 501, 505(2)	14/05/2022 Arrest	Pending	
<u>20)</u>	Avadhutwadi, Yavatmal	472/2022 IPC 153(A), 500, 501, 505	19/05/2022	Pending	
<u>21)</u>	Khalapur, Raigad	144/2022 IPC 153,501	17/05/2022	Pending	
<u>22)</u>	Sindakhed Raja, Buldhana	92/2022 IPC 153(A), 500, 501, 505(2)	16/05/2022	Pending	
N. C					
<u>1)</u>	Nandurbar City, Nandurbar	N.C. No.149/2022 IPC 500, 501, 505(2)	15/05/2022	Pending	
<u>2)</u>	Nandurbar City, Nandurbar	N.C. No.150/2022 IPC 298, 505(2)	15/05/2022	Pending	
<u>3)</u>	Aheri, Gadchiroli	N.C. No.127/2022 IPC 500	14/05/2022	Pending	
<u>4)</u>	Aambejogai, Beed	N. C. No. 256/2022 IPC 500, 501, 504, 505(2)	17/05/2022	Pending	

5. The learned Counsel for the Petitioner points out that as regards the FIR No.216 of 2022 lodged at Kalwa Police Station, Thane City, the Petitioner has been granted bail by the Sessions Court and as regards the other FIRs lodged, the Petitioner

is not arrested. The learned Counsel submits that similar protection as granted in the case of Nikhil Bhamare be extended to the Petitioner.

6. *When the Petitions came up on the board in the morning session, they were kept back in the afternoon session for the Public Prosecutor to take instructions. The learned Public Prosecutor on instructions of Mr. Milind Bharambe, I.G. Law and Order, D.G. Office, Maharashtra states that as regards the remaining 21 FIRs, other than FIR No.216 of 2022 filed at Kalwa Police Station since the bail is already granted, the Petitioner will not be arrested till further order is passed by this Court, The statement made by the learned Public Prosecutor on instructions is accepted.*

7. *Stand over to 12 July 2022. To be heard along with Writ Petition No. 1821 of 2022. Replies, if any, to be filed before the next date.*

Thereafter on 28 July the following order was passed:

“At the request of the learned counsel for the Petitioners, leave is granted to the Petitioners to amend the petitions to join the Complainants, who have lodged the FIR as party Respondents. Leave granted. Amendment to be carried out within three working days.

2.

3.

4.

5. *The Respondent/State through the concerned Police Station will serve the Respondent – Complainants, with copy of this order intimating them that the petitions with above prayers have been filed by the Petitioners and if they intends to remain present to contest the petitions, they can do so on the next date assigned.*

6. *List these petitions on board on 22 August 2022 at 2:30 p.m. under the caption “For Directions”.*

The learned counsel for the Complainants in the respective FIRs lodged by them appears pursuant to the notice and seeks time. Learned Public Prosecutor also prays for time.

2. The learned counsel for the Petitioner states that the Petitioner intends to add certain prayers and averments in support and that draft amendment will be served on the Respondents.

3. As regards the prayer for clubbing and transferring of FIRs is concerned, the learned counsel for the Petitioner has relied upon the decision of the Supreme Court in the case of *Amish Devgan v. Union of India*¹. In this decision, the Hon'ble Supreme Court has considered the legal position as regards the multiplicity of FIRs on the same subject matter and whether they should be transferred and clubbed with the first FIR registered. The Hon'ble Supreme Court in this decision has referred to its earlier decisions in the case of *T.T.Antony v. State of Kerala*² and *Arnab Ranjan Goswami v. Union of India*³ and held that ordinarily the course of action to be adopted in such eventuality is that the FIR registered first in point of time should be treated as the main FIR and other as statements under section 162 of the Code of Criminal Procedure, 1973. Nothing is shown to us as to why this settled position of law should not be made applicable to the facts of the present case.

1 (2021) 1 SCC 1

2 (2001) 6 SCC181

3 (2020) 14 SCC 12

4. Accordingly, we direct that in this case the FIR No.216/2022 filed at Kalwa Police, Thane be treated as principal FIR. It is further directed that the FIRs referred to in paragraph-4 of the order dated 27 June 2022 (except FIR lodged at Police Station, Thane City) stand transferred to Kalwa Police Station. The statements of the Complainants/Informants forming the basis of the transferred FIRs be considered as statements under section 162 of Cr.P.C. and be proceeded.

5. At the request of the Respondents, stand over to 6 September 2022.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)