



noted that FIR(supra) was registered against an unknown person. Moreover, the petitioner has already been convicted in FIR No.93 dated 26.06.2005 registered under Section 379/411 IPC at Police Station Sadar Phagwara, District Kapurthala for the theft of the same vehicle (bearing no. PB-08-A-1881) vide judgment and order of sentence dated 16.07.2021 passed by the learned Judicial Magistrate 1st Class, Phagwara. The petitioner has also been declared a proclaimed offender in FIR(supra) and was kept in judicial custody. This misuse of the process of law by the investigating agency amounts to double jeopardy as the petitioner has already been convicted and sentenced for the same offence.

4. Per contra, the learned State counsel could not controvert the fact that two FIRs have been registered with respect to theft of the same vehicle i.e. Maruti 800 bearing No. PB-08-A-1881.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that two FIRs have been registered with respect to the theft of the same vehicle i.e. a Maruti 800 car bearing no. PB-08-A-1881. While in FIR (supra), the car was reported to be stolen, FIR No.93 deals with attempting to sell the stolen car. The petitioner already stands convicted and sentenced in FIR No.93 as mentioned below:

Offence	Sentence
Section 379 IPC	Rigorous imprisonment for 27 days and a fine of Rs. 500/-, in default of which further rigorous imprisonment of 7 days.
Section 411 IPC	Rigorous imprisonment for 27 days and a fine of Rs. 500/-, in default of which further rigorous imprisonment of 7 days.

6. Article 20(2) of the Constitution of India categorically forbids double jeopardy. The same is reproduced below:

Article 20- Protection in respect of commission of offences



xxx

xxx

xxx

(2) *No person shall be prosecuted and punished for the same offence more than once.*

Further, a two Judge bench of the Hon'ble Supreme Court *in T.T. Antony vs. State of Kerala (2001) 6 SCC 181* has conclusively held that a second FIR pertaining to the same occurrence cannot be registered. Speaking through Justice Syed Shah Mohammed Quadri, has opined as follows:

*“20. The scheme of the Criminal Procedure Code is that an officer in charge of a Police Station has to commence investigation as provided in Section [156](#) or [157](#) of Criminal Procedure Code 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 evidence collected he has to form opinion under Section [169](#) or [170](#) of Criminal Procedure Code, as the case may be, and forward his report to the concerned Magistrate under Section [173\(2\)](#) of Criminal Procedure Code **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](#) Criminal Procedure Code, 1973.*

*21. From the above discussion it follows that under the scheme of the provisions of Sections [154](#), [155](#), [156](#), [157](#), [162](#), [169](#), [170](#) and [173](#) of Criminal Procedure Code only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section [154](#) Criminal Procedure Code, 1973 **Thus there can be no second F.I.R. 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 F.I.R. 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](#) of the Criminal Procedure Code.”*



7. Firstly, there was no reason for registration of a second FIR (FIR No.93 dated 26.06.2005) when FIR (supra) already stood registered alleging theft of the car bearing no. PB-08-A-1881. Further still, once the petitioner was tried for theft of the said vehicle and convicted with respect to the same in FIR No.93, absolutely no reason exists to continue criminal prosecution against him for the same offence as the same would violate the fundamental right of the petitioner against double jeopardy.

8. In view of the discussion above, the present petition is allowed and FIR No.159 dated 20.06.2005 registered under Section 379 IPC at Police Station Banga, District Nawanshahr (now SBS Nagar) and all subsequent proceedings arising therefrom is quashed qua the petitioner.

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

(HARPREET SINGH BRAR)
JUDGE

15.01.2025

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No